

**U.S. District Court
Southern District of Indiana (Indianapolis)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-00024-WTL-DKL-1**

Case title: USA v. STEWART

Magistrate judge case number: 1:15-mj-00027-DML

Date Filed: 02/11/2015

Date Terminated: 11/30/2016

Assigned to: Judge William T.
Lawrence

Referred to: Magistrate Judge Denise
K. LaRue

Appeals court case number: 16-4105
7th Circuit

Trial Date:

Plea and Sentence:

Change of Plea Hearing:

Initial Appearance:

Final Pretrial Conference:

Sentencing:

Accept/Reject Plea Hearing:

Pending SRV:

Defendant (1)

DANIEL STEWART

TERMINATED: 11/30/2016

represented by **Barry Levenstam**
JENNER & BLOCK
353 N. Clerk Street
Chicago, IL 60654
312-222-9350
Fax: 312-527-0484
Email: blevenstam@jenner.com
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Carl Louis Epstein
ATTORNEY AT LAW
155 East Market Street
Suite 714
Indianapolis, IN 46204
317-631-1576
Fax: 317-631-5305
Email: clecase@aol.com
TERMINATED: 11/23/2015
ATTORNEY TO BE NOTICED
Designation: Retained

Larry R. Champion
MEILS THOMPSON DIETZ & BERISH
251 E. Ohio Street
Suite 830
Indianapolis, IN 46204
(317) 637-1383
Fax: (317) 264-2573
Email: lchampion@meilsattorney.com
TERMINATED: 01/06/2017
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:841B=CP.F CONTROLLED
SUBSTANCE – POSSESSION
(Possession with Intent to Distribute
Controlled Substances)
(1s)

18:922G.F UNLAWFUL
TRANSPORT OF FIREARMS,
ETC. (Possession of a Firearm as a
Previously Convicted Felon)
(2s)

18:924C.F VIOLENT
CRIME/DRUGS/MACHINE GUN
(Possession of a Firearm in
Furtherance of Drug Trafficking
Crime)
(3s)

18:1957-5800.F ENGAGING IN
MONETARY TRANSACTIONS
(Spending Statute)
(4s)

18:1956-6801.F MONEY
LAUNDERING – CONTROLLED
SUBSTANCE – SELL/DISTR/DISP
(Laundering of Monetary
Instruments)
(5s-6s)

Highest Offense Level (Opening)

Felony

Terminated Counts

CONTROLLED SUBSTANCE –
SELL, DISTRIBUTE, OR

Disposition

Defendant found guilty Counts 1-6.
IMPRISONMENT: Life without release, plus 5
years Ct. 1: Life without release, Ct. 2: 15 years,
Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all
concurrent.

Defendant found guilty Counts 1-6.
IMPRISONMENT: Life without release, plus 5
years Ct. 1: Life without release, Ct. 2: 15 years,
Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all
concurrent.

Defendant found guilty Counts 1-6.
IMPRISONMENT: Life without release, plus 5
years Ct. 1: Life without release, Ct. 2: 15 years,
Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all
concurrent.

Defendant found guilty Counts 1-6.
IMPRISONMENT: Life without release, plus 5
years Ct. 1: Life without release, Ct. 2: 15 years,
Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all
concurrent.

Defendant found guilty Counts 1-6.
IMPRISONMENT: Life without release, plus 5
years Ct. 1: Life without release, Ct. 2: 15 years,
Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all
concurrent.

Disposition

Superseded

DISPENSE (Possession with Intent
to Distribute Controlled Substances)
(1)

UNLAWFUL TRANSPORT OF
FIREARMS, ETC. (Possession of a
Firearm as a Previously Convicted
Felon)
(2)

Superseded

VIOLENT
CRIME/DRUGS/MACHINE GUN
(Possession of a Firearm in
Furtherance of Drug Trafficking
Crime)
(3)

Superseded

Highest Offense Level
(Terminated)

Felony

Complaints

Disposition

POSS W/INTENT TO
DIST-METH; POSS OF A
FIREARM IN FURTHERANCE OF
DRUG ACTIVITY

Plaintiff

USA

represented by **Michelle Patricia Brady**
UNITED STATES ATTORNEY'S
OFFICE
10 West Market Street
Suite 2100
Indianapolis, IN 46204
(317) 226-6333
Fax: (317)226-6125
Email: michelle.brady@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Peter A. Blackett
UNITED STATES ATTORNEY'S
OFFICE
10 West Market Street
Suite 2100
Indianapolis, IN 46204
317-229-2453
Fax: 317-226-6125
Email: peter.blackett@usdoj.gov

ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Page	Docket Text
08/23/2016	<u>143</u>	8	JURY VERDICT as to defendant's forfeiture proceeding as given on 8/19/2016. (CMC) (Entered: 08/23/2016)
08/25/2016	<u>147</u>	20	MOTION for Forfeiture of Property (<i>PRELIMINARY ORDER</i>) by USA as to DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Brady, Michelle) (Entered: 08/25/2016)
08/26/2016	<u>148</u>	31	PRELIMINARY ORDER OF FORFEITURE: Granted <u>147</u> Motion for Forfeiture of Property as to DANIEL STEWART (1) ***SEE ORDER FOR ADDITIONAL INFORMATION***. Signed by Judge William T. Lawrence on 8/26/2016. Paper copies to USM.(DW) (Entered: 08/26/2016)
09/15/2016	<u>149</u>	35	Letter from Daniel Stewart Pro Se in case as to DANIEL STEWART (1). (Attachments: # <u>1</u> Envelope) (MAC) (Entered: 09/19/2016)
09/26/2016	<u>150</u>	37	MOTION to Set Aside Forfeiture by DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Champion, Larry) (Entered: 09/26/2016)
10/06/2016	<u>151</u>	40	First MOTION for Extension of Time to File Response/Reply to <u>150</u> by USA as to DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order Motion to Extend Time)(Brady, Michelle) Modified on 10/7/2016 (BRR). (Entered: 10/06/2016)
10/07/2016	<u>152</u>	44	ORDER – granting <u>151</u> Motion for Extension of Time to Respond to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings as to DANIEL STEWART (1). The United States shall have until November 4, 2016, in which to respond to Defendant's objection. Signed by Judge William T. Lawrence on 10/7/2016.(BRR) (Entered: 10/07/2016)
10/28/2016	<u>154</u>	45	RESPONSE in Opposition re <u>150</u> MOTION to Set Aside Forfeiture by USA as to DANIEL STEWART (1) <i>Response to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings</i> (Attachments: # <u>1</u> Text of Proposed Order)(Brady, Michelle) (Entered: 10/28/2016)
11/09/2016	<u>157</u>	56	ENTRY FOR NOVEMBER 9, 2016 – in case as to DANIEL STEWART (1). The Court received a letter from Defendant on November 9, 2016. The letter has been forwarded to counsel for Defendant. Signed by Judge William T. Lawrence on 11/9/2016. (BRR) (Entered: 11/09/2016)
11/10/2016	<u>158</u>	57	SCHEDULING ORDER as to DANIEL STEWART (1) – Defendant Stewart was convicted at a jury trial on August 18, 2016. Sentencing set for 11/28/2016 at 10:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Electronic Notice to USPO.(RSF) (Entered: 11/10/2016)
11/23/2016	<u>159</u>	58	NOTICE of FILING of OFFICIAL TRANSCRIPT of Jury Trial–Testimony of Daniel Stewart held before Judge William T. Lawrence on August 18, 2016, in case as to DANIEL STEWART (1) (Jones, Cathy) (Entered: 11/23/2016)
11/23/2016	<u>161</u>	59	

			MOTION to Continue <i>Sentencing</i> by USA as to DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Brady, Michelle) (Entered: 11/23/2016)
11/28/2016	<u>162</u>	63	ORDER – granting <u>161</u> Motion to Continue as to DANIEL STEWART (1). Plea and Sentence reset for 11/28/2016 at 11:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 11/28/2016. Electronic Notice to USPO.(BRR) (Entered: 11/28/2016)
11/28/2016	<u>163</u>	64	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Sentencing held on 11/28/2016. Defendant appears in person and by counsel. Appearance for USA by AUSA Michelle Brady. Appearance for USPO by Matt Renshaw. Defendant was convicted of Counts 1–6 at jury trial on August 18, 2016. The sentencing phase of the hearing begins. The Court sentences Defendant. Defendant is remanded to the custody of the USM. (Court Reporter Cathy Jones) (CMC) (Entered: 11/28/2016)
11/30/2016	<u>165</u>	65	JUDGMENT as to DANIEL STEWART (1). Defendant found guilty Counts 1–6. IMPRISONMENT: Life without release, plus 5 years Ct. 1: Life without release, Ct. 2: 15 years, Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all concurrent. SUPERVISED RELEASE: 10 years. Ct. 1: 10 years, Cts. 2–3: 5 years, Cts. 4–6: 3 years, all concurrent. FINE: 3,000. S.A. FEE: 600. Signed by Judge William T. Lawrence on 11/30/2016. (BRR) (Entered: 11/30/2016)
12/08/2016	<u>167</u>	71	NOTICE OF APPEAL by DANIEL STEWART (1) re <u>165</u> Judgment. (No fee paid with this filing) (Champion, Larry) (Entered: 12/08/2016)
12/08/2016	<u>168</u>	73	DESIGNATION OF RECORD ON APPEAL by DANIEL STEWART (1) re <u>167</u> Notice of Appeal (Champion, Larry) (Entered: 12/08/2016)
12/08/2016	<u>169</u>		DOCKETING STATEMENT as to DANIEL STEWART (1) re <u>167</u> Notice of Appeal (Attachments: # <u>1</u> Exhibit Judgement in a Criminal Case, # <u>2</u> Exhibit Statement of Reasons, # <u>3</u> Exhibit Docket Report)(Champion, Larry) Modified on 12/8/2016 (MAT). (Entered: 12/08/2016)
		75	<i>Main Document</i>
		77	<i>Attachment # 1 Exhibit Judgement in a Criminal Case</i>
			<i>Attachment # 2 Exhibit Statement of Reasons (Not Attached)</i>
		83	<i>Attachment # 3 Exhibit Docket Report</i>
12/08/2016	<u>170</u>	111	SEVENTH CIRCUIT TRANSCRIPT INFORMATION SHEET by DANIEL STEWART (1) for proceedings held on 1/23/15, 2/2/15, 2/26/15, 8/19/15, 10/7/15, 3/18/16, 7/19/16, 8/9/16, 8/11/16, 8/15/16, 8/16/16, 8/18/16, 8/19/16, 11/28/16 before Judge William T. Lawrence, (Champion, Larry) (Entered: 12/08/2016)
12/09/2016	<u>174</u>	112	USCA Case Number 16–4105 as to DANIEL STEWART (1) for <u>167</u> Notice of Appeal filed by DANIEL STEWART. (MAT) (Entered: 12/09/2016)
01/06/2017	<u>176</u>	113	ORDER of USCA (certified copy) as to DANIEL STEWART (1) re <u>167</u> Notice of Appeal (USCA #16–4105) – This matter comes before the court for its consideration of attorney Larry R. Champion's REQUEST TO

			WITHDRAW AS APPELLATE COUNSEL, filed on December 14, 2016. Upon consideration thereof, IT IS ORDERED that the Motion to Withdraw is GRANTED. IT IS FURTHER ORDERED that Barry Levenstam, JENNER & BLOCK LLP, 353 N. Clark Street, Chicago, IL 60654, is appointed to represent defendant–appellant Daniel Stewart pursuant to the provisions of the Criminal Justice Act. See briefing schedule for details. (MAT) (Entered: 01/06/2017)
01/12/2017	<u>177</u>	114	MOTION TO SUBSTITUTE PHOTOCOPIES FOR ORIGINAL DOCUMENTS by USA as to DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Brady, Michelle) (Entered: 01/12/2017)
01/13/2017	<u>178</u>	117	NOTICE of FILING of OFFICIAL TRANSCRIPTS of testimony of Ryan VanOeveren, Ryan Clark, Christopher Duckworth, Juan Lizarraga, James Howe and Michael Cline held before Judge William T. Lawrence on August 15, 16 and 17, 2016, in case as to DANIEL STEWART (1) (Jones, Cathy) (Entered: 01/13/2017)
01/13/2017	<u>185</u>	118	ORDER – granting <u>177</u> Motion as to DANIEL STEWART (1). The Clerk of Courts is ordered to transfer Government Exhibits 86 and 87 to the government. The government is ordered to return photocopies of the above–referenced Exhibits to the Clerk of Courts. Signed by Judge William T. Lawrence on 1/13/2017.(BRR) (Entered: 01/13/2017)
02/10/2017	<u>191</u>	119	ORDER – as to DANIEL STEWART (1). The parties have requested production of the transcript of the jury trial held in this matter. The Court acknowledges its duty to maintain court records in ways that make them accessible to the public. However, a countervailing duty arises when, in order to ensure full, candid and truthful disclosures by potential jurors, their disclosures regarding personal and highly sensitive matters may necessitate some level of confidentiality and protection from private scrutiny. Because the individual inquiry of the jurors in this case touched on each juror's experiences in sensitive areas not appropriate for routine public discussion, and because the inquiry ventured into deeply personal matters, the interest in preserving each of these jurors' privacy outweighs the interest in allowing access to the transcript of voir dire proceedings as a matter of course. Accordingly, after considering and rejecting other alternatives, the court orders the original unredacted transcript of the voir dire proceedings be filed under seal, subject to a motion to unseal for good cause shown. Signed by Judge William T. Lawrence on 2/10/2017. (BRR) (Entered: 02/10/2017)
02/16/2017	<u>192</u>	120	NOTICE of FILING of OFFICIAL TRANSCRIPT of Initial Appearances, Probable Cause and Detention Hearing, Pretrial Hearing, Final Pretrial Hearing, Jury Trial held before Judge William T. Lawrence on January 23, 2015; January 30, 2015; February 26, 2015; August 19, 2015; March 18, 2016; July 19, 2016; August 15–19, 2016; November 28, 2016, in case as to DANIEL STEWART (1) (Jones, Cathy) (Entered: 02/16/2017)
02/16/2017	<u>204</u>	121	NOTICE of FILING of OFFICIAL TRANSCRIPT under SEAL of Jury Voir Dire held before Judge William T. Lawrence on August 15, 2016, in case as to DANIEL STEWART (1) (Jones, Cathy) (Entered: 02/16/2017)
03/20/2017	<u>214</u>	122	NOTICE of filing Seized Asset Claim Form by Dewayne Harper. (Attachments: # <u>1</u> Exhibit receipt, # <u>2</u> Envelope)(MAC) (Entered: 03/21/2017)

03/20/2017	<u>215</u>	126	NOTICE of filing Seized Asset Claim Form by Melanie Blunk. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Envelope)(MAC) (Entered: 03/21/2017)
04/21/2017	<u>216</u>	137	NOTICE <i>Notice of Claim for Seized Asset</i> by USA as to DANIEL STEWART (1) (Attachments: # <u>1</u> Exhibit Sumner Claim)(Brady, Michelle) (Entered: 04/21/2017)

Case #: 1:15-cr-00024-WTL-DKL-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DANIEL STEWART,)
)
Defendant.)

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 1

We, the jury, unanimously return the following special verdict as to the four hundred eighty seven thousand five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (15-IRS-000321);

We, the jury, find that the U.S. Currency is:

1. Property that constitutes or was derived from proceeds that the Defendant obtained, directly or indirectly, as a result of the offense of Possession with Intent to Distribute Controlled Substances, of which he was convicted, or property that the Defendant used, caused to be used, or intended to be used to commit or facilitate this drug offense.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offenses charged.

Yes ✓ No _____

FOREPERSON

AUGUST 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Cause No. 1:15-cr-00024-WTL-DKL
)
DANIEL STEWART,)
)
Defendant.)

SPECIAL VERDICT 2

We, the jury, unanimously return the following special verdict as to two thousand six hundred and ninety-six dollars in United States currency (\$2,696.00), seized on or around January 22, 2015, from a safe deposit box, numbered 161, located at the JP Morgan Chase Bank branch at 6910 West 38th Street, Indianapolis, Indiana, and associated with Daniel Stewart or Eleete Images, Corp. (15-IRS-000322);

We, the jury, find that the U.S. Currency is:

1. Property that constitutes or was derived from proceeds that the Defendant obtained, directly or indirectly, as a result of the offense of Possession with Intent to Distribute Controlled Substances, of which he was convicted, or property that the Defendant used, caused to be used, or intended to be used to commit or facilitate this drug offense.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offenses charged.

Yes _____ No ✓

FOREPERSON

August 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

)
)
)
)
)
)
)
)
)
)

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 3

We, the jury, unanimously return the following special verdict as to the nine thousand three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (15-IRS-000323);

We, the jury, find that the U.S. Currency is:

1. Property that constitutes or was derived from proceeds that the Defendant obtained, directly or indirectly, as a result of the offense of Possession with Intent to Distribute Controlled Substances, of which he was convicted, or property that the Defendant used, caused to be used, or intended to be used to commit or facilitate this drug offense.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offenses charged.

Yes ✓ No _____

FOREPERSON

August 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

)
)
)
)
)
)
)
)
)
)

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 4

We, the jury, unanimously return the following special verdict as to all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (15-IRS-000318);

We, the jury, find that the funds are:

1. Property that constitutes or was derived from proceeds that the Defendant obtained, directly or indirectly, as a result of the offense of Possession with Intent to Distribute Controlled Substances, of which he was convicted, or property that the Defendant used, caused to be used, or intended to be used to commit or facilitate this drug offense.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offenses charged.

Yes ✓ No _____

FOREPERSON

August 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 6

We, the jury, unanimously return the following special verdict as to all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (15-IRS-000320); and

We, the jury, find that the funds are:

1. Property that constitutes or was derived from proceeds that the Defendant obtained, directly or indirectly, as a result of the offense of Possession with Intent to Distribute Controlled Substances, of which he was convicted, or property that the Defendant used, caused to be used, or intended to be used to commit or facilitate this drug offense.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offenses charged.

Yes ✓ No _____

FOREPERSON

August 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 7

We, the jury, unanimously return the following special verdict as to one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (15-IRS-000324).

We, the jury, find that the vehicle is:

1. Property that constitutes or was derived from proceeds that the Defendant obtained, directly or indirectly, as a result of the offense of Possession with Intent to Distribute Controlled Substances, of which he was convicted, or property that the Defendant used, caused to be used, or intended to be used to commit or facilitate this drug offense.

Yes



No

2. Property for which there is a nexus between the property and the offenses charged.

Yes



No

FOREPERSON

DATE

August 19, 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

SPECIAL VERDICT 8

We, the jury, unanimously return the following special verdict as to one Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized from a traffic stop on January 20, 2015 at the intersection of West 86th Street and Zionsville Rd., Indianapolis, Indiana. You may find this particular firearm is subject to forfeiture under Count Two, Count Three, or both Counts Two and Three.

We, the jury, find that the firearm is:

1. Property involved in violation of the offense for which the Defendant has been convicted as charged in Count Two of the indictment, namely, Possession of a Firearm as a Previously Convicted Felon.

Yes ✓ No _____

2. Property involved in violation of the offense for which the Defendant has been convicted as charged in Count Three of the indictment, namely Possession of a Firearm in Furtherance of a Drug Trafficking Crime.

Yes ✓ No _____

3. Property for which there is a nexus between the property and either offense mentioned in Question 2 or Question 3.

Yes ✓ No _____

FOREPERSON

August 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 9

We, the jury, unanimously return the following special verdict as to one Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, IN on January 21, 2015.

We, the jury, find that the firearm is:

1. Property involved in violation of the offense for which the Defendant has been convicted as charged in Count Two of the indictment, namely Possession of a Firearm as a Previously Convicted Felon.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offense charged.

Yes ✓ No _____

FOREPERSON

AUGUST 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

)
)
)
)
)
)
)
)
)
)

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 10

We, the jury, unanimously return the following special verdict as to one Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, IN on January 21, 2015.

We, the jury, find that the firearm is:

1. Property involved in violation of the offense for which the Defendant has been convicted as charged in Count Two of the indictment, namely Possession of a Firearm as a Previously Convicted Felon.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offense charged.

Yes ✓ No _____

FOREPERSON _____

DATE

August 19, 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DANIEL STEWART,)
)
Defendant.)

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 11

We, the jury, unanimously return the following special verdict as to one FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, IN on January 21, 2015.

We, the jury, find that the firearm is:

1. Property involved in violation of the offense for which the Defendant has been convicted as charged in Count Two of the indictment, namely Possession of a Firearm as a Previously Convicted Felon.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offense charged.

Yes ✓ No _____

FOREPERSON ✓

August 19, 2016
DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

Defendant.

Cause No. 1:15-cr-00024-WTL-DKL

SPECIAL VERDICT 12

We, the jury, unanimously return the following special verdict as to one FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, IN on January 21, 2015.

We, the jury, find that the firearm is:

1. Property involved in violation of the offense for which the Defendant has been convicted as charged in Count Two of the indictment, namely Possession of a Firearm as a Previously Convicted Felon.

Yes ✓ No _____

2. Property for which there is a nexus between the property and the offense charged.

Yes ✓ No _____

FOREPERSON

DATE

AUGUST 19, 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Michelle P. Brady and Peter A. Blackett, Assistant United States Attorneys, respectfully moves for a Preliminary Order of Forfeiture in the above cause of action, and in support thereof presents to the Court the following facts:

1. On August 12, 2015, a Superseding Indictment was filed charging the defendant, Daniel Stewart, with: Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841 (Count One); Possession of a Firearm as a Previously Convicted Felon, in violation of 18 U.S.C. § 922(g) (Count Two); Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c) (Count Three); Spending Statute, in violation of 18 U.S.C. § 1957 (Count Four); and Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) (Counts Five and Six). Dkt. 44.

2. The Superseding Indictment notified the defendant of the United States' intent to pursue forfeiture of "any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the

offense” pursuant to 18 U.S.C. § 924(d); 21 U.S.C. § 853 and 28 U.S.C. § 2461(c). Dkt. 44.

In addition, the Superseding Indictment notified the defendant that, pursuant to 21 U.S.C. § 853(p), a sum of money or other property could be substituted for any real or personal property forfeited.

3. On August 18, 2016, the defendant, Daniel Stewart, was found guilty of counts one through five of the superseding indictment by a jury trial. Dkt. 136, 142.

4. On August 19, 2016, pursuant to Rule 32.2(b)(5)(A) and (B) and at the defendant’s request, a jury trial was held to determine the forfeiture of the following property pursuant to the charges:

- a. four hundred, eighty-seven thousand, five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-000321);
- b. two thousand, six hundred and ninety-six dollars in United States currency (\$2,696.00), seized on or around January 22, 2015, from a safe deposit box, numbered 161, located at the JP Morgan Chase Bank branch at 6910 West 38th Street, Indianapolis, Indiana, and associated with Daniel Stewart or Eleete Images, Corp. (Asset Identification Number: 15-IRS-000322);
- c. nine thousand, three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000323);
- d. all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000318);
- e. all funds held in JP Morgan Chase Account Number ending 7177, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000319);
- f. all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000320);

- g. one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000324);
- h. Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized on or around January 20, 2015, from Daniel Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-001220);
- i. Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001221);
- j. Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001222);
- k. FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001223); and
- l. FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001224).

5. On August 19, 2016, the Jury determined that the Government had established the requisite nexus between each of the properties listed below and the offenses committed by the defendant for each of the properties listed below:¹

¹ The Jury did not find the requisite nexus for the two thousand, six hundred and ninety-six dollars in United States currency (\$2,696.00), seized on or around January 22, 2015, from a safe deposit box, numbered 161, located at the JP Morgan Chase Bank branch at 6910 West 38th Street, Indianapolis, Indiana, and associated with Daniel Stewart or Eleete Images, Corp. (Asset

- a. four hundred, eighty-seven thousand, five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-000321);
- b. nine thousand, three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000323);
- c. all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000318);
- d. all funds held in JP Morgan Chase Account Number ending 7177, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000319);
- e. all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000320);
- f. one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000324);
- g. Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized on or around January 20, 2015, from Daniel Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-001220);
- h. Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001221);
- i. Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a

Identification Number: 15-IRS-000322).

residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001222);

- j. FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001223); and
- k. FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001224).

Dkt. 138, 143.

6. Federal Rule of Criminal Procedure 32.2(b) provides that as soon as practicable after accepting a plea of guilty, or a finding of guilt by a jury, the Court shall determine what property is subject to forfeiture and promptly enter a preliminary order of forfeiture directing the forfeiture of specific property without regard to any third party's interest in all or part of it.

7. Upon issuance of a Preliminary Order of Forfeiture, the United States, pursuant to 21 U.S.C. § 853(n), will post notice of the Court's Order and the United States' intent to dispose of the property described above in paragraph 5, and will provide notice directly to any third parties known to have alleged an interest in this property.

WHEREFORE, the United States respectfully requests that this Court enter a Preliminary Order of Forfeiture forfeiting Daniel Stewart's interest in the subject property, as described in

paragraph 5 above, to the United States, and ordering the United States to seize the property and dispose of it in accordance with the law.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s/Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, IN 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
E-mail: Michelle.Brady@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on August 25, 2016, a copy of the foregoing was filed electronically. Any parties appearing in this case may access this filing through the Court's system

s/Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, IN 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
E-mail: Michelle.Brady@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, a Superseding Indictment was filed on August 12, 2015, charging the defendant with Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841 (Count One); Possession of a Firearm as a Previously Convicted Felon, in violation of 18 U.S.C. § 922(g) (Count Two); Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c) (Count Three); Spending Statute, in violation of 18 U.S.C. § 1957 (Count Four); Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) (Counts Five and Six); and

WHEREAS, the Superseding Indictment gave notice of the United States' intent to seek forfeiture of property pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c); and

WHEREAS, the defendant has been convicted of the offenses charged against him in the Superseding Indictment by jury trial, and that same jury determined that the Government had established the requisite nexus between the following property and the offenses committed by the defendant, the following property should be forfeited:

- a. four hundred, eighty-seven thousand, five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-000321);

- b. nine thousand, three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000323);
- c. all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000318);
- d. all funds held in JP Morgan Chase Account Number ending 7177, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000319);
- e. all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000320);
- f. one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000324);
- g. Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized on or around January 20, 2015, from Daniel Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-001220);
- h. Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001221);
- i. Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001222);
- j. FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification

Number: 15-IRS-001223); and

- k. FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001224).

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the defendant's interest in the subject property described above is hereby FORFEITED to the United States.

The Attorney General or his designee is hereby authorized, pursuant to 21 U.S.C. § 853(g), as incorporated by 28 U.S.C. § 2461(c), to seize the subject property.

The United States is hereby ORDERED pursuant to 21 U.S.C. § 853(n), to publish notice of this Order of Forfeiture and the United States' intent to dispose of the property in such manner as the Attorney General or his designee may direct, and notice that any person other than the defendant/s having or claiming a legal interest in the subject property must file a petition with this Court within thirty (30) days of the final publication of notice or of personal receipt of notice, whichever is earlier.

The notice provided by the United States shall state that any petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, as well as any additional facts supporting the petitioner's claim, and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

IT IS FURTHER DECREED that this is a proper certificate under 28 U.S.C. § 2465, that there is reasonable cause for seizure of the subject property, and that neither any officer or employee of the United States who seizes the property nor the prosecutor bringing this action will be liable to suit or judgment on account of this proceeding to forfeit the subject property.

SO ORDERED this date: _____

William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, a Superseding Indictment was filed on August 12, 2015, charging the defendant with Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841 (Count One); Possession of a Firearm as a Previously Convicted Felon, in violation of 18 U.S.C. § 922(g) (Count Two); Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c) (Count Three); Spending Statute, in violation of 18 U.S.C. § 1957 (Count Four); Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) (Counts Five and Six); and

WHEREAS, the Superseding Indictment gave notice of the United States' intent to seek forfeiture of property pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c); and

WHEREAS, the defendant has been convicted of the offenses charged against him in the Superseding Indictment by jury trial, and that same jury determined that the Government had established the requisite nexus between the following property and the offenses committed by the defendant, the following property should be forfeited:

- a. four hundred, eighty-seven thousand, five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-000321);

- b. nine thousand, three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000323);
- c. all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000318);
- d. all funds held in JP Morgan Chase Account Number ending 7177, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000319);
- e. all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000320);
- f. one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000324);
- g. Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized on or around January 20, 2015, from Daniel Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-001220);
- h. Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001221);
- i. Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001222);
- j. FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification

Number: 15-IRS-001223); and

- k. FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001224).

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the defendant's interest in the subject property described above is hereby FORFEITED to the United States.

The Attorney General or his designee is hereby authorized, pursuant to 21 U.S.C. § 853(g), as incorporated by 28 U.S.C. § 2461(c), to seize the subject property.


The United States is hereby ORDERED pursuant to 21 U.S.C. § 853(n), to publish notice of this Order of Forfeiture and the United States' intent to dispose of the property in such manner as the Attorney General or his designee may direct, and notice that any person other than the defendant/s having or claiming a legal interest in the subject property must file a petition with this Court within thirty (30) days of the final publication of notice or of personal receipt of notice, whichever is earlier.

The notice provided by the United States shall state that any petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, as well as any additional facts supporting the petitioner's claim, and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

IT IS FURTHER DECREED that this is a proper certificate under 28 U.S.C. § 2465, that there is reasonable cause for seizure of the subject property, and that neither any officer or employee of the United States who seizes the property nor the prosecutor bringing this action will be liable to suit or judgment on account of this proceeding to forfeit the subject property.

SO ORDERED this date: 8/26/16

A handwritten signature in black ink, reading "William T. Lawrence". The signature is written in a cursive style with a horizontal line underneath.

William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

FILED

SEP 15 2016

case 1:15-cr-00024-WTL-DKL

U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

I recently received a motion for preliminary order of forfeiture filed with the court on 8-25-16. It is my understanding that "interest, response or objection" should be entered within 30 days of motions.

As respect to the court and in regards to a previous received letter from the judge requesting I relay material to the counsel appointed to me (Harry Champion); I was told by Mr. Champion, that he won't be available for the next several weeks. I'm saying that and noting that his prior failure to object on my behalf may be subject to a 2255; I send this letter to the court on my own behalf as objection to order of Forfeiture.

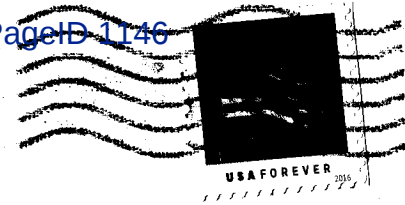
On subsequent order to my being convicted by jury in trial I plan to exercise my right to multiple appeals that (I attend) should result in relief and/or remands of said verdict. During said forfeiture hearing, I was told by my counsel (Champion) that the forfeiture was part of the indictment and if reversed during the appeal process, the forfeiture should also be reversed. Though he told me this (after I requested he verbally ask the court to preserve forfeiture until appeal is exhausted), he was not definitive in his answer, therefore I'm taking measures within the required 30 days to object and request the court in fact preserve all rights (including forfeiture) for appeal.

Respectfully,
Daniel Lee Stewart
D.L. #C-8

* if need be, please grant proper time for preparation of legally sourced motion

Daniel Stewart
410 S. Alabama
Indpls, In 46203

INDIANAPOLIS IN 46203
40 S. ALABAMA ST.
INDIANAPOLIS, IN 46204
This stamp identifies this
correspondence as having been
mailed by an inmate of the
above institution. Warning Not
Responsible for contents



RECEIVED

SEP 13 2016

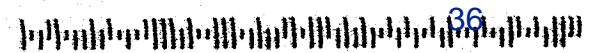
U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

Honorable William Lawrence
C/o Clerk of Court / to be filed #202

43 E OHIO ST

Indpls In 46204

46204-199999



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:15-cr-0024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

**OBJECTION TO FORFEITURE PROCEEDINGS AND
REQUEST FOR STAY OF FORFEITURE PROCEEDINGS**

Comes now the Defendant, Daniel Stewart, by counsel, and alleges and says:

1. This Court issued a Preliminary Order of Forfeiture on August 26, 2016.
2. Defendant objects to the Preliminary Order of Forfeiture and request the Court stay the forfeiture for the reason that the Defendant intends to vigorously appeal his conviction and eventual sentence in this Court. Federal Rule of Criminal Procedure 32.2(d).
3. Defendant alleges that the Court's failure to stay the forfeiture requested by the Government in this matter, before his appeals are exhausted, would deprive him the right to the property the Government may seize which would cause him substantial loss of his property rights without due process of law.

Respectfully submitted

/s/ Larry R. Champion

Larry R. Champion
Attorney for Defendant, Daniel Stewart

Larry R. Champion
251 E. Ohio Street
Indianapolis, Indiana 46204
lchampion@meilsattorney.com
(317) 637-1383

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2016, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system, Parties may access this filing through the Court's system.

Michelle Patricia Brady, Assistant United States Attorney

/s/ Larry R. Champion

Larry R. Champion

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:15-cr-0024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

ORDER ON DEFENDANT’S REQUEST FOR STAY OF FORFEITURE

Comes now the Defendant, Daniel Stewart, by counsel, Larry R. Champion, and files his
Request for Stay of Forfeiture.

The Court being duly advised, hereby stays the proceeding of forfeiture in this matter
until all appeals in this matter are exhausted.

ALL OF WHICH IS ORDERED: This ____ of _____, 2016.

Honorable William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

Michelle Patricia Brady, United States Attorney
Larry R. Champion

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL STEWART,

CAUSE NO. 1:15-cr-00024-WTL-DKL

**MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT'S
OBJECTION TO FORFEITURE PROCEEDINGS AND REQUEST FOR STAY OF
FORFEITURE PROCEEDINGS**

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Michelle P. Brady, Assistant United States Attorney, respectfully moves for an extension of time to respond to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings. In support thereof, the United States states as follows:

The defendant sent a letter that the court docketed on September 15, 2016, asking for the court to stay the forfeiture proceedings until after his appeals have been exhausted. Dkt. 149. On September 26, 2016, counsel for defendant filed an Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings. Dkt. 150.

The United States is requesting a 28-day extension to respond to Defendant's Objection to the Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings. The United States notes that Mr. Stewart has not been sentenced nor has filed an appeal.

This motion is not filed for any purposes of delay but only to allow counsel for the

United States sufficient time to prepare a full, complete and appropriate response to Stewart's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings.

WHEREFORE, the United States respectfully requests that this Court allow an additional 28 days, to and including November 4, 2016, to respond to Daniel Stewart's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s/ Michelle P. Brady
Michelle P. Brady
United States Attorney's Office
10 W. Market St., Suite 2100
Indianapolis, IN 46204
Phone: (317) 226-6333
Fax: (317) 226-6125
E-mail: Michelle.Brady.usdoj.gov

CERTIFICATE OF SERVICE

I certify that on October 6, 2016 copy of the foregoing was filed electronically. Any parties appearing in this case may access this filing through the Court's system

s/ Michelle P. Brady
Michelle P. Brady
United States Attorney's Office
10 W. Market St., Suite 2100
Indianapolis, IN 46204
Phone: (317) 226-6333
Fax: (317) 226-6125
E-mail: Michelle.Brady@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	
)	
)	

ORDER

This matter having come before the Court on the United States' Motion for Extension of Time to Respond to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings, having examined said motion and being duly advised in the premises, hereby **GRANTS** said motion.

IT IS, THEREFORE, ORDERED, that the United States shall have until November 4, 2016, in which to respond to Defendant's objection.

SO ORDERED this date: _____

William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DANIEL STEWART,)
)
Defendant.)
)
)

CAUSE NO. 1:15-cr-00024-WTL-DKL

ORDER

This matter having come before the Court on the United States' Motion for Extension of Time to Respond to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings, having examined said motion and being duly advised in the premises, hereby **GRANTS** said motion.

IT IS, THEREFORE, ORDERED, that the United States shall have until November 4, 2016, in which to respond to Defendant's objection.

SO ORDERED this date: 10/7/16



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
)	
Defendant.)	

**RESPONSE TO DEFENDANT’S OBJECTION TO FORFEITURE PROCEEDINGS AND
REQUEST FOR STAY OF FORFEITURE PROCEEDINGS**

The United States of America, by counsel, Josh J. Minkler, United States Attorney, and Michelle P. Brady, Assistant United States Attorney, respectfully requests that the Court deny the defendant’s objection to the forfeiture proceedings and request for stay of forfeiture proceedings, pursuant to 18 U.S.C. §§ 981(g)(1) and (2). In support of this motion, the United States advises the Court as follows.

FACTS

On August 12, 2015, a Superseding Indictment was filed charging the defendant, Daniel Stewart, with: Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841 (Count One); Possession of a Firearm as a Previously Convicted Felon, in violation of 18 U.S.C. § 922(g) (Count Two); Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c) (Count Three); Spending Statute, in violation of 18 U.S.C. § 1957 (Count Four); and Laundering of Monetary Instruments, in violation of 18 U.S.C. § 1956(a)(1)(B)(i). Dkt. 44.

The Superseding Indictment notified the defendant of the United States' intent to pursue forfeiture of "any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense" pursuant to 18 U.S.C. § 924(d); 21 U.S.C. § 853 and 28 U.S.C. § 2461(c). Dkt. 44. In addition, the Superseding Indictment notified the defendant that, pursuant to 21 U.S.C. § 853(p), a sum of money or other property could be substituted for any real or personal property forfeited.

On August 18, 2016, the defendant, Daniel Stewart, was found guilty of counts one through five of the superseding indictment by a jury trial. Dkt. 136, 142.

On August 19, 2016, pursuant to Rule 32.2(b)(5)(A) and (B) and at the defendant's request, a jury trial was held to determine the forfeiture of the following property pursuant to the charges:

- a. four hundred, eighty-seven thousand, five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-000321);
- b. two thousand, six hundred and ninety-six dollars in United States currency (\$2,696.00), seized on or around January 22, 2015, from a safe deposit box, numbered 161, located at the JP Morgan Chase Bank branch at 6910 West 38th Street, Indianapolis, Indiana, and associated with Daniel Stewart or Eleete Images, Corp. (Asset Identification Number: 15-IRS-000322);
- c. nine thousand, three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000323);

- d. all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000318);
- e. all funds held in JP Morgan Chase Account Number ending 7177, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000319);
- f. all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000320);
- g. one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000324);
- h. Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized on or around January 20, 2015, from Daniel Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-001220);
- i. Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001221);
- j. Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001222);
- k. FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001223); and

1. FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001224).

On August 19, 2016, the Jury determined by Special Verdicts that the Government had established the requisite nexus between each of the properties listed below and the offenses committed by the defendant for each of the properties listed below:¹

- a. four hundred, eighty-seven thousand, five hundred and forty-two dollars in United States currency (\$487,542.00), seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-000321);
- b. nine thousand, three hundred and twenty-four dollars in United States currency (\$9,324.00), seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000323);
- c. all funds held in JP Morgan Chase Account Number ending 9272, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000318);
- d. all funds held in JP Morgan Chase Account Number ending 7177, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000319);
- e. all funds held in JP Morgan Chase Account Number ending 8383, in the name of Daniel Stewart and/or Eleete Image Inc. (Asset Identification Number: 15-IRS-000320);

¹ The Jury did not find the requisite nexus for the two thousand, six hundred and ninety-six dollars in United States currency (\$2,696.00), seized on or around January 22, 2015, from a safe deposit box, numbered 161, located at the JP Morgan Chase Bank branch at 6910 West 38th Street, Indianapolis, Indiana, and associated with Daniel Stewart or Eleete Images, Corp. (Asset Identification Number: 15-IRS-000322).

- f. one 2010 Volkswagen CC Sport, Vehicle Identification Number WVWML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-000324);
- g. Ruger, Model: SR9c, Caliber: 9mm, Serial Number: 334-80066, black and silver in color semi-automatic handgun with sixteen live rounds of 9mm ammunition and one magazine seized on or around January 20, 2015, from Daniel Stewart and the vehicle he was driving at the time of his arrest, near West 86th Street and Zionsville Rd., Indianapolis, Indiana (Asset Identification Number: 15-IRS-001220);
- h. Taurus, Model: “The Judge”, Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001221);
- i. Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001222);
- j. FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001223); and
- k. FNH USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel Stewart and Brittany Wallace (Asset Identification Number: 15-IRS-001224).

Dkt. 138, 143.

A Preliminary Order of Forfeiture was issued on August 26, 2016. Dkt. 148. In keeping with 21 U.S.C. § 853(n), on August 30, 2016, the United States published notice of its intent to

dispose of the subject property and sent direct notice of the ancillary forfeiture proceedings in the criminal case to those entities and individuals it believed to have an interest in the subject property.

The defendant sent a letter that the court docketed on September 15, 2016, asking for the court to stay the forfeiture proceedings until after his appeals have been exhausted. Dkt. 149. On September 26, 2016, counsel for defendant filed an Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings. Dkt. 150.

The defendant objects to the forfeiture as he intends to appeal his conviction and eventual sentence to the Court. The defendant alleges the Court's failure to stay the forfeiture requested by the Government in this matter before his appeals are exhausted would deprive him the right to the property and would cause him substantial loss of his property rights without due process of law. Dkt. 150.

The defendant has not been sentenced as of the date of this filing and he has not filed any appeals of his sentence.

ARGUMENT

The defendant's motion should be denied for several reasons. First, this motion should be denied as premature. Steward has not been sentenced and a judgment has not been issued in his case. Further, he has not filed an appeal of his sentence, and has merely stated his intentions to do so. An intention to appeal his case cannot support a stay of the forfeiture action based on an appeal. *See United States v. Owens*, 2010 WL 583910 (S.D. Ind. 2010) ("Federal Rule of Criminal Procedure 32.2(d) and 21 U.S.C. § 853(h), . . . only provide[s] for a stay in the event

that the criminal defendant appeals his conviction or the Final Order.”). Thus, the defendant’s motion may be denied for this reason alone.

However, even if considered, the Court should deny his request. A district court has discretion to grant or deny a defendant’s motion for stay of forfeiture proceedings until all appeals are exhausted. *See* Fed. R. Crim. P. 32.2(d). *Owens*, 2010 WL 583910 (S.D. Ind. 2010); *United States v. Houghton*, 132 Fed. Appx. 130, 131 (9th Cir. 2005) (“... a district court *may* stay an order of forfeiture pending a direct appeal, but that such a stay does not delay the ancillary forfeiture proceedings.”). In determining whether to grant a stay, courts have generally examined the requests based on four factors: (1) the likelihood of success on appeal; (2) whether the forfeited assets will depreciate over time; (3) the forfeited assets’ intrinsic value to the defendant; and (4) the expense of maintaining the forfeited property. *United States v. Ngari*, 599 Fed. Appx. 259, 272 (5th Cir. 2014); *United States v. Sperrow*, 2011WL 3837283 (D. Idaho 2011); *United States v. Riedl*, 214 F. Supp. 2nd 1079, 1082 (D. Hawaii 2001).

In this case, the defendant has five sums or funds of United States Currency, one vehicle, and five firearms for which his interest has been forfeited. Based on a review of the four factors, the Court should find that the requested stay should be denied. The likelihood of the defendant succeeding on appeal is poor as he was convicted by a jury on the forfeiture of these items, with the jury finding that they all constituted proceeds of the offenses to which he was convicted and that there was a nexus between the offenses and the property, and the Court entered its Preliminary Order of Forfeiture. The vehicle is a 2010 Volkswagen CC Sport, which will continue to depreciate and ensure costs to the Government for the maintenance and storage of the vehicle. These costs outweigh delaying the forfeiture for any significant period of time. As

for the firearms, it is undisputed that the defendant was a convicted felon prior to being charged and found guilty of possession of a firearm as a previously convicted felon. Therefore, the firearms cannot be released into his custody, regardless. The defendant has not demonstrated and any of the property is of such intrinsic value that it cannot be replaced. As the subject property for forfeiture is fungible, if the defendant were successful in his appeals, the United States can issue an appropriate payment as opposed to the actual property seized. *United States v. Faison*, 2008 WL 596816 (E.D.N.Y. 2008) (“government will issue an appropriate payment as opposed to the actual fungible currency seized. . .”). Any claims by a third party for ownership of the firearms or any of the other property can be brought during the ancillary forfeiture proceedings.

The defendant also claims the forfeiture will deprive him of the property without due process of law. Dkt. 150. Due process requires a person not be deprived of his property without notice and opportunity for a hearing. *United States v. Moya-Gomez*, 860 F.2d 706, 726 (7th Cir. 1988). Here, the defendant was given due process to the property when he was given notice at indictment and during trial proceedings of the requested forfeiture. *United States v. Houghton*, 132 Fed. Appx. 130, 132 (9th Cir. 2005) (“notice of forfeiture was properly provided to. . . in the indictment and judgment of conviction.”).

In fact, the defendant requested a jury trial on forfeiture of all the property and he presented evidence and arguments in support of his argument that the assets should not be forfeited. Based upon the evidence and the law, the jury found that all the assets, except one, constituted or were derived from proceeds that the defendant obtained, directly or indirectly, as a result of the drug offense of which he was convicted or property that defendant Stewart used,

caused to be used, or intended to be used to commit or facilitate the drug offense of which he was convicted, and that there was a nexus between the assets and the crime with which he was convicted. Dkt. 138, 143.

During sentencing, the defendant will be given additional notice of the forfeiture of the property and notice will be included on the judgment of conviction. Therefore, the defendant has been given notice and due process as to the subject property.

CONCLUSION

The United States asks this Court to deny the defendant's objection to forfeiture proceedings and request for stay of forfeiture proceedings and allow the forfeiture process to continue. The defendant was not denied due process as to the subject property. Therefore, the Court should deny the defendant's request for stay of forfeiture proceedings and allow the forfeiture proceedings to continue.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s/ Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-5027
Email: michelle.brady@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on **October 28, 2016**, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Larry R. Champion
251 E. Ohio Street
Indianapolis, Indiana 46204

s/ Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-5027
Email: michelle.brady@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the Defendant's objection of the United States to defendant's objection to forfeiture proceedings and request for stay of forfeiture proceedings for an order to stay the proceedings, and the Court being duly advised in the premises finds that the defendant's motion should be DENIED.

SO ORDERED this date: _____

William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

The Court received a letter from Defendant on November 9, 2016. The letter has been forwarded to counsel for Defendant.

56

Defendant Stewart was convicted at a jury trial on August 18, 2016. The sentencing hearing shall be conducted **November 28, 2016 at 10:00 a.m.** in Courtroom 202 of the U.S. Courthouse, Indianapolis, Indiana.

57

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
	)	1:15-cr-0024-WTL-DKL
DANIEL STEWART,)	
)	
Defendant.)	

MOTION TO CONTINUE SENTENCING

The United States of America, by counsel, Assistant United States Attorney Michelle Brady, moves the court for an order continuing the plea and sentencing date in this matter currently set for November 28, 2016 at 10:00 a.m. to a later time on November 28, 2016 that is convenient to both Court and counsel. In support of this motion the United States would set forth the following facts:

1. This matter is currently set for a sentencing on November 28, 2016 at 10:00 a.m.
2. The afternoon of November 23, 2016, undersigned counsel was assigned to appear before the Honorable Judge Pratt on November 28, 2016 at 10:00 a.m. to resolve the Government's motion to review a pretrial release order on United States v. Chapman, 1:16-mj-0867, and was informed that the Court had very little flexibility with that date/time due to preexisting obligations and trial schedule.
3. Following that setting in United States v. Chapman, undersigned counsel attempted to reach counsel for Defendant Stewart, but has been unable to do so as yet to ascertain his position on the government's motion to set the sentencing at a time later than 10:00 a.m., so as to resolve the above described conflict.

WHEREFORE, the United States prays that the Court grant a brief continuance of the November 28, 2016 sentencing time of 10:00 a.m. to either 11:00 a.m., or at any time convenient to the Court and counsel for the Defendant.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s/ Michelle P. Brady
Michelle P. Brady
United States Attorney's Office
10 W. Market St., Suite 2100
Indianapolis, IN 46204
Phone: (317) 226-6333
Fax: (317) 226-6125
E-mail: michelle.brady@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2016, a copy of the foregoing Motion to Continue was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: S:/Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
E-mail: Michelle.Brady@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	1:15-cr-0024-WTL-DKL
DANIEL STEWART,)	
)	
Defendant.)	

**ORDER ON UNITED STATES' MOTION
TO CONTINUE PLEA AND SENTENCING DATE**

This matter is before the Court upon the United States' Motion to Continue the November 28, 2016 sentencing presently set in this cause for 10:00 a.m., and the Court, being duly advised, now finds the Motion well taken, and that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that the November 28, 2016 hearing date is vacated, and that the sentencing be rescheduled to commence on November 28, 2016 at _____ .m. in Room 202, U.S. Courthouse, Indianapolis, Indiana.

Dated: _____

William T. Lawrence
United States District Court
Southern District of Indiana

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

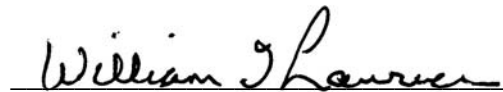
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
	)	1:15-cr-0024-WTL-DKL
DANIEL STEWART,)	
)	
Defendant.)	

**ORDER ON UNITED STATES' MOTION
TO CONTINUE PLEA AND SENTENCING DATE**

This matter is before the Court upon the United States' Motion to Continue the November 28, 2016 sentencing presently set in this cause for 10:00 a.m., and the Court, being duly advised, now finds the Motion well taken, and that the Motion should be GRANTED.

IT IS THEREFORE ORDERED that the November 28, 2016 hearing date is vacated, and that the sentencing be rescheduled to commence on November 28, 2016 at 11:00 a.m. in Room 202, U.S. Courthouse, Indianapolis, Indiana.

Dated: 11/28/16



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DANIEL STEWART,

Defendant.

CASE NO. 1:15-cr-24-WTL-DKL-1

COURTROOM MINUTES FOR NOVEMBER 28, 2016
SENTENCING HEARING
HON. WILLIAM T. LAWRENCE, JUDGE

GOVERNMENT APPEARS BY: Michelle Brady
DEFENDANT IN PERSON AND WITH COUNSEL: Larry Champion
PROBATION OFFICER PRESENT: Matt Renshaw
COURT REPORTER: Cathy Jones

Government appears by counsel and Defendant appears in person and by counsel for Sentencing Hearing.

Defendant Stewart was convicted of Counts One, Two, Three, Four, Five, and Six at jury trial on August 18, 2016.

The sentencing phase of the hearing begins. Court hears testimony and argument of counsel. The Court sentences the Defendant.

Defendant is remanded to the custody of the U.S. Marshal.

Distribution to all registered counsel via electronic notification

UNITED STATES DISTRICT COURT

Southern District of Indiana

UNITED STATES OF AMERICA

v.

DANIEL STEWART

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:15CR00024-001

USM Number: 12602-028

Larry R. Champion

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s)
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☒ was found guilty on count(s) 1-6 after a plea of not guilty

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21§§ 841(a)(1) and 851	Possession With Intent to Distribute Controlled Substances	1/20/2015	1
18§§ 922(g)(1) and 924 (e)	Felon in Possession of a Firearm	1/20/2015	2
18§924(c)(1)(A)	Possession of a Firearm in Furtherance of a Drug Trafficking Crime	1/20/2015	3
18§1957	Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity	5/7/2013	4
19§1956(a)(1)	Money Laundering	7/29/2014	5
18§1956(a)(1)	Money Laundering	8/4/2014	6

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

11/28/2016

Date of Imposition of Sentence:

William T. Lawrence

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

11/30/16

Date

A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk
U.S. District Court
Southern District of Indiana

By [Signature]
Deputy Clerk



DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **Life without release, plus 5 years**

Ct. 1: Life without release, Ct. 2: 15 years, Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all concurrent. Ct. 3: 5 years, consecutive.

☒ The Court makes the following recommendations to the Bureau of Prisons: That the defendant be provided access to educational assistance and substance abuse treatment.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant was delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

BY: _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **10 years**.

Ct. 1: 10 years, Cts. 2-3: 5 years, Cts. 4-6: 3 years, all concurrent.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16913, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the conditions listed below.

CONDITIONS OF SUPERVISION

1. You shall report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the judicial district without the permission of the court or probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
11. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
12. You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
13. You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
14. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
15. You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution.
16. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.
17. You shall pay the costs associated with the following imposed conditions of supervised release/probation, to the extent you are financially able to pay: substance abuse treatment, substance abuse testing. The probation officer shall determine your ability to pay and any schedule of payment.

I understand that I and/or the probation officer may petition the Court to modify these conditions, and the final decision to modify these terms lies with the Court. If I believe these conditions are being enforced unreasonably, I may petition the Court for relief or clarification; however, I must comply with the directions of my probation officer unless or until the Court directs otherwise. Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant_____
Date_____
U.S. Probation Officer/Designated Witness_____
Date

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$600.00	\$3,000.00	

- ☐ The determination of restitution is deferred until. *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	-------------------	----------------------------	-------------------------------

Totals

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ the interest requirement is waived for the ☒ fine ☐ restitution
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☐ Lump sum payment of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, ☐ F or ☐ G below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s): _____

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

All property used in the instant offense, and all proceeds derived from it, including but not limited to \$496,866.00 seized on January 20 and January 21, 2015.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:15-cr-0024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

NOTICE OF APPEAL

Comes now Daniel Stewart, by counsel Larry R. Champion, and notifies the Court he wishes to appeal his conviction and sentence imposed November 28, 2016, and docketed on November 30, 2016 in this case to the United States Seventh Circuit Court of Appeals.

Respectfully submitted,

MEILS THOMPSON DIETZ & BERISH

/s/ Larry R. Champion

Attorney for Defendant, Daniel Stewart
MEILS THOMPSON DIETZ & BERISH
251 E. Ohio Street, Suite 830
Indianapolis, Indiana 46204
(317) 637-1383
(317) 264-2573 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2016 a copy of the foregoing *Notice of Appeal* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system, Parties may access this filing through the Court's system.

Michelle Patricia Brady, Assistant United States Attorney
Peter A. Blackett

/s/ Larry R. Champion

Larry R. Champion

Larry R. Champion
MEILS THOMPSON DIETZ & BERISH
251 East Ohio Street, Suite 830
Indianapolis, Indiana 46204
(317) 637-1383

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 1:15-cr-0024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

DESIGNATION OF RECORD FOR APPEAL

Comes now, Larry R. Champion, counsel for Defendant, Daniel Stewart and designates the entire record of documents to be transmitted to the Seventh Circuit Court of Appeals in this case.

Respectfully submitted,

MEILS THOMPSON DIETZ & BERISH

/s/ Larry R. Champion

Attorney for Defendant, Daniel Stewart
MEILS THOMPSON DIETZ & BERISH
251 E. Ohio Street, Suite 830
Indianapolis, Indiana 46204
(317) 637-1383
(317) 264-2573 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2016 a copy of the foregoing *Designation of Record for Appeal* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system, Parties may access this filing through the Court's system.

Michelle Patricia Brady, Assistant United States Attorney
Peter A. Blackett

/s/ Larry R. Champion
Larry R. Champion

Larry R. Champion
MEILS THOMPSON DIETZ & BERISH
251 East Ohio Street, Suite 830
Indianapolis, Indiana 46204
(317) 637-1383

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 1:15-cr-0024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	

SEVENTH CIRCUIT RULE 3(C) DOCKETING STATEMENT

This case is a direct appeal from criminal convictions in the United States District Court following a findings of guilty after a jury trial on August 19, 2016, of 21§§ 841(a)(1) and 851 - Possession with Intent to Distribute Controlled Substance; 18§§ 922(g)(1) and 924(e) - Felon in Possession of Firearm; 18§924(c)(1)(A) - Possession of a Firearm in Furtherance of a Drug Trafficking Crime; 18§1957 - Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity; 19§1956(a)(1) - Money Laundering; and 18§1956(a)(1) - Money Laundering.

1. The District Court has jurisdiction pursuant to 18 U.S.C. §3231.
2. The Court of Appeals has jurisdiction under 28 U.S.C. §1291.
3. Imposition of sentence was entered on the November 28, 2016 and docketed November 30, 2016.
4. The Notice of Appeal and Seventh Circuit Transcript Information Sheet are being filed simultaneously herein.

Respectfully submitted,

MEILS THOMPSON DIETZ & BERISH

/s/ Larry R. Champion

Attorney for Defendant, Daniel Stewart
MEILS THOMPSON DIETZ & BERISH
251 E. Ohio Street, Suite 830
Indianapolis, Indiana 46204
(317) 637-1383
(317) 264-2573 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2016 a copy of the foregoing *Seventh Circuit Rule e(C) Docketing Statement* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system, Parties may access this filing through the Court's system.

Michelle Patricia Brady, Assistant United States Attorney
Peter A. Blackett

/s/ Larry R. Champion

Larry R. Champion

Larry R. Champion
MEILS THOMPSON DIETZ & BERISH
251 East Ohio Street, Suite 830
Indianapolis, Indiana 46204
(317) 637-1383

UNITED STATES DISTRICT COURT

Southern District of Indiana

UNITED STATES OF AMERICA

v.

DANIEL STEWART

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:15CR00024-001

USM Number: 12602-028

Larry R. Champion

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s)
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☒ was found guilty on count(s) 1-6 after a plea of not guilty

The defendant is adjudicated guilty of these offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21§§ 841(a)(1) and 851	Possession With Intent to Distribute Controlled Substances	1/20/2015	1
18§§ 922(g)(1) and 924 (e)	Felon in Possession of a Firearm	1/20/2015	2
18§924(c)(1)(A)	Possession of a Firearm in Furtherance of a Drug Trafficking Crime	1/20/2015	3
18§1957	Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity	5/7/2013	4
19§1956(a)(1)	Money Laundering	7/29/2014	5
18§1956(a)(1)	Money Laundering	8/4/2014	6

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)
- ☐ Count(s) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

11/28/2016

Date of Imposition of Sentence:

William T. Lawrence

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

11/30/16

Date

A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk
U.S. District Court
Southern District of Indiana



By [Signature]
Deputy Clerk

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **Life without release, plus 5 years**

Ct. 1: Life without release, Ct. 2: 15 years, Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all concurrent. Ct. 3: 5 years, consecutive.

☒ The Court makes the following recommendations to the Bureau of Prisons: That the defendant be provided access to educational assistance and substance abuse treatment.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant was delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

BY: _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **10 years**.

Ct. 1: 10 years, Cts. 2-3: 5 years, Cts. 4-6: 3 years, all concurrent.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16913, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the conditions listed below.

CONDITIONS OF SUPERVISION

1. You shall report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the judicial district without the permission of the court or probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.
9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
11. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
12. You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.).
13. You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
14. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
15. You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution.
16. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.
17. You shall pay the costs associated with the following imposed conditions of supervised release/probation, to the extent you are financially able to pay: substance abuse treatment, substance abuse testing. The probation officer shall determine your ability to pay and any schedule of payment.

I understand that I and/or the probation officer may petition the Court to modify these conditions, and the final decision to modify these terms lies with the Court. If I believe these conditions are being enforced unreasonably, I may petition the Court for relief or clarification; however, I must comply with the directions of my probation officer unless or until the Court directs otherwise. Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$600.00	\$3,000.00	

- ☐ The determination of restitution is deferred until. *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	-------------------	----------------------------	-------------------------------

Totals

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☒ the interest requirement is waived for the ☒ fine ☐ restitution
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Daniel Stewart

CASE NUMBER: 1:15CR00024-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** ☐ Lump sum payment of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, ☐ F or ☐ G below); or
- C** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s): _____

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

All property used in the instant offense, and all proceeds derived from it, including but not limited to \$496,866.00 seized on January 20 and January 21, 2015.

[Query](#)
[Reports](#)
[Utilities](#)
[Logout](#)

REDACT,CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-00024-WTL-DKL-1**

Case title: USA v. STEWART

Magistrate judge case number: 1:15-mj-00027-DML

Date Filed: 02/11/2015
Date Terminated: 11/30/2016

Plaintiff

USA

represented by **Michelle Patricia Brady**
UNITED STATES ATTORNEY'S
OFFICE
10 West Market Street
Suite 2100
Indianapolis, IN 46204
(317) 226-6333
Fax: (317)226-6125
Email: michelle.brady@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Peter A. Blackett
UNITED STATES ATTORNEY'S
OFFICE
10 West Market Street

Suite 2100
 Indianapolis, IN 46204
 317-229-2453
 Fax: 317-226-6125
 Email: peter.blackett@usdoj.gov
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Docket Text
01/21/2015	1	COMPLAINT & AFFIDAVIT approved and signed by Judge Magistrate Judge Debra McVicker Lynch as to DANIEL STEWART (1). Electronic Notice to USM. (CBU) [1:15-mj-00027-DML] (Entered: 01/21/2015)
01/21/2015	3	NOTICE OF ATTORNEY APPEARANCE Michelle Patricia Brady appearing for USA. (CBU) [1:15-mj-00027-DML] (Entered: 01/21/2015)
01/23/2015	4	MINUTE ORDER for proceedings held before Magistrate Judge Denise K. LaRue: Initial Appearance on Complaint held on 1/23/2015. Defendant DANIEL STEWART appears in person with assistance by FCD counsel Bill Dazey. Appearance for the USA by AUSA Michelle Brady. USPO represented by Gerald Smith. Charges, Rights and Penalties explained. Government orally moved for pretrial detention and a hearing was granted. Probable Cause/Detention Hearing set for 1/30/2015 01:00 PM in room #238, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Criminal Duty Magistrate Judge. Government orally moved for the

		defendant to submit to a urinalysis and the same granted. Counsel jointly moved for release of the Pretrial Services Report. The Court, finding good cause and no promise of confidentiality and no likelihood of harm, ordered the report released to counsel of record. Defendant is remanded to custody of USM. Signed by Magistrate Judge Denise K. LaRue. (BAS) [1:15-mj-00027-DML] (Entered: 01/23/2015)
01/23/2015	7	Arrest Warrant Returned by US Marshal. Service of Warrant EXECUTED on 1/23/2015 in case as to DANIEL STEWART. (BAS) [1:15-mj-00027-DML] (Entered: 01/27/2015)
01/26/2015	5	NOTICE OF ATTORNEY APPEARANCE: Larry R. Champion appearing for DANIEL STEWART (CJA Appointment). (Champion, Larry) [1:15-mj-00027-DML] (Entered: 01/26/2015)
01/27/2015	8	Order Appointing CJA Counsel Larry Champion as to DANIEL STEWART. Such appointment shall be deemed effective as of 1/23/2015. Signed by Magistrate Judge Denise K. LaRue on 1/27/2015. (BAS) [1:15-mj-00027-DML] (Entered: 01/27/2015)
02/02/2015	9	MINUTE ORDER for proceedings held before Magistrate Judge Tim A. Baker: Probable Cause and Detention Hearing as to DANIEL STEWART held on 1/30/2015. Defendant DANIEL STEWART appears in person and by CJA counsel Larry Champion. Appearance for the USA by AUSA Michelle Brady. USPO represented by Gerald Smith. Defendant is remanded to

		custody of USM. Probable cause and detention hearing held. Testimony and argument offered and probable cause was found. Government's motion for pretrial detention was granted and defendant is ordered detained. Signed by Magistrate Judge Tim A. Baker. (BAS) [1:15-mj-00027-DML] (Entered: 02/02/2015)
02/03/2015	<u>10</u>	ORDER OF DETENTION as to DANIEL STEWART. Signed by Magistrate Judge Tim A. Baker on 2/3/2015. (CBU) [1:15-mj-00027-DML] (Entered: 02/03/2015)
02/10/2015	<u>11</u>	NOTICE OF ATTORNEY APPEARANCE: Carl Louis Epstein appearing for DANIEL STEWART (Retained). (Epstein, Carl) [1:15-mj-00027-DML] (Entered: 02/10/2015)
02/11/2015	<u>12</u>	INDICTMENT (Redacted) as to DANIEL STEWART (1) count(s) 1, 2, 3. Electronic Notice to USM. (DW) (Entered: 02/12/2015)
02/11/2015	<u>16</u>	NOTICE OF ATTORNEY APPEARANCE Michelle Patricia Brady appearing for USA. (DW) (Entered: 02/12/2015)
02/12/2015	<u>18</u>	NOTIFICATION of Assigned Judge, Automatic Not Guilty Plea, Trial Date, Discovery Order and Other Matters as to DANIEL STEWART. Jury Trial set for 4/13/2015 09:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 2/12/2015. Electronic Notice to USM (DW) (Entered: 02/12/2015)
02/13/2015	<u>20</u>	MOTION to Withdraw Attorney

		Appearance by Larry R. Champion. by DANIEL STEWART. (Attachments: # 1 Text of Proposed Order)(Champion, Larry) (Entered: 02/13/2015)
02/18/2015	21	ORDER granting 20 Motion to Withdraw Attorney Appearance. Larry R. Champion withdrawn from case as to DANIEL STEWART (1). Signed by Judge William T. Lawrence on 2/18/2015.(SWM) (Entered: 02/18/2015)
02/23/2015	22	SCHEDULING ORDER as to DANIEL STEWART- Initial Appearance on an Indictment set for 2/26/2015 02:00 PM in room #243, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Criminal Duty Magistrate Judge. Signed by Magistrate Judge Debra McVicker Lynch on 2/23/2015. (CBU) (Entered: 02/23/2015)
02/26/2015	23	Arrest Warrant Returned by US Marshal. Service of Warrant EXECUTED on 2/26/2015 in case as to DANIEL STEWART. (BAS) (Entered: 02/27/2015)
02/26/2015	24	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Initial Appearance on Indictment held on 2/26/2015. Defendant DANIEL STEWART appears in person and by retained counsel Carl Epstein. Appearance for the USA by AUSA Will McCoskey for AUSA Michelle Brady. Charges, Rights and Penalties explained. Parties ordered to meet and confer regarding disclosure of evidence on or before 3/5/15. Defendant was ordered detained on 2/3/15 and that order stands. Defendant waived formal arraignment. Defendant is remanded to custody of USM. Signed

		by Magistrate Judge Mark J. Dinsmore. (BAS) (Entered: 02/27/2015)
03/18/2015	<u>25</u>	MOTION to Continue <i>Jury Trial</i> by DANIEL STEWART. (Attachments: # <u>1</u> Text of Proposed Order Order on Continuance)(Epstein, Carl) (Entered: 03/18/2015)
03/23/2015	<u>26</u>	ORDER granting <u>25</u> Motion to Continue as to DANIEL STEWART (1): IT IS THEREFORE ORDERED that the April 13, 2015 trial date presently set in this cause is continued until July 13, 2015 at 9:00 a.m. in Courtroom 202 of the U.S. Courthouse, Indianapolis, Indiana and a final pretrial conference (defendant in person) shall be conducted on June 19, 2015 at 1:00 p.m. in the same location. Signed by Judge William T. Lawrence on 3/23/2015.(SWM) (Entered: 03/23/2015)
05/04/2015	<u>28</u>	NOTICE of Bill of Particulars for Forfeiture of Property by USA as to DANIEL STEWART (Brady, Michelle) (Entered: 05/04/2015)
05/07/2015	<u>30</u>	Submission Return- Service of Restraining Order (Dkt. #29) on financial institution by USA as to DANIEL STEWART. (Brady, Michelle) (Entered: 05/07/2015)
05/11/2015	<u>31</u>	MOTION for Continuance by DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Epstein, Carl) Modified on 5/14/2015 (MAC). (Entered: 05/11/2015)
05/13/2015	<u>32</u>	ORDER granting <u>31</u> Motion to Continue as to DANIEL STEWART (1): Final Pretrial Conference RESET for 8/19/2015 02:00 PM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before

		Judge William T. Lawrence. Jury Trial RESET for 9/14/2015 09:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 5/13/2015.(SWM) (Entered: 05/14/2015)
07/24/2015	33	MOTION to Suppress <i>Evidence</i> by DANIEL STEWART (1). (Attachments: # 1 Memorandum in Support)(Epstein, Carl) (Entered: 07/24/2015)
08/03/2015	34	MOTION to Withdraw Attorney Appearance by Carl L. Epstein. by DANIEL STEWART (1). (Attachments: # 1 Exhibit Letter to client informing of withdrawal)(Epstein, Carl) (Entered: 08/03/2015)
08/05/2015	35	MOTION to Withdraw Attorney Appearance by Carl L. Epstein. by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Epstein, Carl) (Entered: 08/05/2015)
08/05/2015	36	MOTION to Withdraw Document <i>Motion to Withdraw Appearance</i> by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Epstein, Carl) (Entered: 08/05/2015)
08/06/2015	37	ORDER granting 36 Motion to Withdraw Document 34 as to DANIEL STEWART (1). Signed by Magistrate Judge Debra McVicker Lynch on 8/6/2015.(BAS) (Entered: 08/06/2015)
08/06/2015	38	SCHEDULING ORDER as to DANIEL STEWART (1) Attorney Appointment Hearing set for 8/12/2015 01:30 PM in room #238, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana

		before Criminal Duty Magistrate Judge. Signed by Magistrate Judge Debra McVicker Lynch on 8/6/2015. (BAS) (Entered: 08/06/2015)
08/07/2015	39	RESPONSE in Opposition re 33 MOTION to Suppress <i>Evidence</i> by USA as to DANIEL STEWART (1) (Attachments: # 1 Exhibit One -1:Dog Training Records)(Brady, Michelle) (Entered: 08/07/2015)
08/07/2015	40	NOTICE OF SUBMISSION OF <i>GOVERNMENT'S Exhibit One -2</i> by USA as to DANIEL STEWART (1) re 39 Response in Opposition to Motion (Attachments: # 1 Exhibit One-2: Dog Training Records)(Brady, Michelle) (Entered: 08/07/2015)
08/07/2015	41	NOTICE OF SUBMISSION OF <i>GOVERNMENT'S Exhibit One -3</i> by USA as to DANIEL STEWART (1) re 39 Response in Opposition to Motion (Attachments: # 1 Exhibit One -3: Dog Training Records)(Brady, Michelle) (Entered: 08/07/2015)
08/07/2015	42	NOTICE OF SUBMISSION OF <i>GOVERNMENT'S Exhibit One -4,</i> <i>Exhibit Two, Exhibit Three, and Exhibit</i> <i>Four</i> by USA as to DANIEL STEWART (1) re 39 Response in Opposition to Motion (Attachments: # 1 Exhibit One-4: Dog Training Records, # 2 Exhibit Two - Draft Transcript of Traffic Stop, # 3 Exhibit Three- Waiver of Rights, # 4 Exhibit Four- State Search Warrant)(Brady, Michelle) (Entered: 08/07/2015)
08/10/2015	43	REPLY in Support of Motion re 33 MOTION to Suppress <i>Evidence</i> by DANIEL STEWART (1) (Epstein, Carl) (Entered: 08/10/2015)
08/12/2015	44	SUPERSEDING INDICTMENT

		REDACTED as to DANIEL STEWART (1) count(s) 1s, 2s, 3s, 4s, 5s-6s. Electronic Notice to USM. (DW) (Entered: 08/13/2015)
08/12/2015	48	NOTICE OF ATTORNEY APPEARANCE Michelle Patricia Brady appearing for USA. (DW) (Entered: 08/13/2015)
08/13/2015	50	ENTRY FOR AUGUST 13, 2015. The above cause is set for a telephonic attorney conference on August 14, 2015 at 3:00 p.m. Counsel shall call 317-229-3610. by Judge William T. Lawrence on 8/13/2015. (MRI) (Entered: 08/13/2015)
08/14/2015	52	MOTION TO RESCHEDULE TELEPHONE CONFERENCE by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Epstein, Carl) (Entered: 08/14/2015)
08/14/2015	54	SCHEDULING ORDER as to DANIEL STEWART (1) Initial Appearance set for 8/19/2015 02:00 PM in room #243, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Criminal Duty Magistrate Judge. Signed by Magistrate Judge Tim A. Baker on 8/14/2015. (BAS) (Entered: 08/14/2015)
08/17/2015	55	ORDER granting 52 Motion as to DANIEL STEWART (1). IT IS THEREFORE ORDERED that Carl L. Epstein's Motion To Reschedule Telephone Conference is GRANTED and scheduled for August 17, 2015 at 3:00 p.m. Signed by Judge William T. Lawrence on 8/17/2015.(DW) (Entered: 08/17/2015)
08/18/2015	56	MINUTE ENTRY for proceedings held before Judge William T. Lawrence:

		Telephonic Status Conference as to DANIEL STEWART (1) held on 8/17/2015.***See Entry***. (CMC) (Entered: 08/18/2015)
08/19/2015	57	INFORMATION PURSUANT TO 21:851(A)(1) - PRIOR FELONY as to DANIEL STEWART (1) (Brady, Michelle) (Entered: 08/19/2015)
08/19/2015	58	MOTION by DANIEL STEWART (1). (Attachments: # 1 Order on Motion)(Epstein, Carl) (Entered: 08/19/2015)
08/19/2015	59	MOTION to Continue by DANIEL STEWART (1). (Attachments: # 1 Order on Continuance)(Epstein, Carl) (Entered: 08/19/2015)
08/19/2015	60	Arrest Warrant Returned by US Marshal. Service of Warrant EXECUTED on 8/19/2015 in case as to DANIEL STEWART (1). (BAS) (Entered: 08/20/2015)
08/21/2015	61	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Initial Appearance on Superseding Indictment held on 8/19/2015. Defendant DANIEL STEWART (1) appears in person and by retained counsel Carl Epstein. Appearance for the USA by AUSA Michelle Brady. Charges, Rights and Penalties explained. Parties ordered to meet and confer regarding disclosure of evidence on or before 9/2/15. Defendant was ordered detained on 1/30/15 and that order stands. Defendant waived formal arraignment. Defendant is remanded to custody of USM. Signed by Magistrate Judge Mark J. Dinsmore. (BAS) (Entered: 08/21/2015)
08/24/2015	62	ORDER granting 59 Motion to Continue as to DANIEL STEWART

		(1): IT IS THEREFORE ORDERED that the September 14, 2015 trial date is vacated, and that the Final Pre-Trial date in this cause be scheduled to begin on December 15, 2015, at 10:00 a.m., United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. IT IS FURTHER ORDERED that the Trial Date in this cause be rescheduled to begin on January 11, 2016, at 9:00 a.m., United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Signed by Judge William T. Lawrence on 8/24/2015.(DW) (Entered: 08/24/2015)
08/24/2015	63	ORDER granting 58 Motion as to DANIEL STEWART (1). IT IS THEREFORE ORDERED that Defendant's Motion To Schedule Evidentiary Hearing on Defendant's Motion to Suppress Evidence is GRANTED. IT IS FURTHER ORDERED that said Evidentiary Hearing is scheduled to begin on October 23, 2015, at 10:00 a.m., United States Courthouse, Room Number 202, 46 East Ohio Street, Indianapolis, Indiana. Signed by Judge William T. Lawrence on 8/24/2015.(DW) (Entered: 08/24/2015)
09/04/2015	64	MOTION TO RESCHEDULE EVIDENTIARY HEARING DATE by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 09/04/2015)
09/08/2015	65	ORDER granting 64 Motion to Reschedule as to DANIEL STEWART (1); Evidentiary Hearing RESET for 10/7/2015 10:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on

		9/8/2015.(SWM) (Entered: 09/09/2015)
10/09/2015	66	NOTICE OF UNITED STATES' POST-HEARING SUBMISSION IN OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS by USA as to DANIEL STEWART (1) (Brady, Michelle) (Entered: 10/09/2015)
10/09/2015	67	COURTROOM MINUTES for evidentiary hearing held 10/7/2015 before Judge William T. Lawrence: ***See Entry***. (Court Reporter Jean Knepley) (CMC) (Entered: 10/09/2015)
10/09/2015	68	BRIEF/MEMORANDUM in Support re 33 MOTION to Suppress Evidence by DANIEL STEWART (1) (Attachments: # 1 Daniel Stewart Traffic Stop Notes)(Epstein, Carl) (Entered: 10/09/2015)
10/13/2015	69	Submission of Proposed Order Case Law, re 33 MOTION to Suppress Evidence by DANIEL STEWART (1). (Attachments: # 1 Supplement Rodriguez v. USA)(Epstein, Carl) (Entered: 10/13/2015)
10/27/2015	70	ENTRY ON MOTION TO SUPPRESS EVIDENCE: For the foregoing reasons, the Defendant's Motion to Suppress Evidence (Dkt. No. 33) is DENIED. as to DANIEL STEWART (1) ***SEE ENTRY FOR ADDITIONAL INFORMATION***. Signed by Judge William T. Lawrence on 10/27/2015.(DW) (Entered: 10/28/2015)
11/13/2015	71	MOTION to Withdraw Attorney Appearance by Carl L. Epstein. by DANIEL STEWART (1). (Attachments: # 1 Order, # 2 Letter to client, # 3 Letter from client to court)(Epstein, Carl) (Entered: 11/13/2015)

11/13/2015	72	SCHEDULING ORDER as to DANIEL STEWART (1): The Court hereby sets the above cause of action for a hearing regarding counsel's Motion to Withdraw Attorney Appearance [dkt. 71] on November 23, 2015 at 10:00 a.m. in Courtroom 202 of the U.S. Courthouse, Indianapolis, Indiana. (DW) (Entered: 11/13/2015)
11/13/2015	73	ENTRY in case as to DANIEL STEWART (1): The Court received a letter from Defendant on November 12, 2015. The letter has been forwarded to retained counsel for Defendant. (DW) (Entered: 11/13/2015)
11/23/2015	74	MINUTE ORDER for proceedings held before Judge William T. Lawrence: ***See Entry***. Jury trial remains set to begin January 11, 2016. (Court Reporter Cathy Jones) (CMC) (Entered: 11/23/2015)
12/04/2015	75	NOTICE OF ATTORNEY APPEARANCE: Larry R. Champion appearing for DANIEL STEWART (1) (CJA Appointment). (Champion, Larry) (Entered: 12/04/2015)
12/07/2015	76	Order Appointing CJA Counsel Larry Champion as to DANIEL STEWART (1). Such appointment shall be deemed effective as of 12/3/2015. Signed by Judge William T. Lawrence on 12/7/2015. (DW) (Entered: 12/07/2015)
12/10/2015	77	Unopposed MOTION to Continue <i>Pretrial and Jury Trial Dates</i> by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Champion, Larry) (Entered: 12/10/2015)
12/15/2015	78	Unopposed MOTION to Continue <i>Pretrial and Jury Trial Dates</i> by DANIEL STEWART (1).

		(Attachments: # 1 Text of Proposed Order)(Champion, Larry) (Entered: 12/15/2015)
12/15/2015	79	ORDER granting 78 Motion to Continue as to DANIEL STEWART (1). IT IS THEREFORE ORDERED that the January 11, 2016 trial date presently set in this cause is continued until April 11, 2016 at 9:00 a.m. in Courtroom 202 of the U.S. Courthouse, Indianapolis, Indiana. The December 15, 2015 final pretrial conference is hereby continued to March 18, 2016 at 2:00 p.m. in Courtroom 202 of the U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Signed by Judge William T. Lawrence on 12/15/2015.(DW) Modified on 12/16/2015 (DW). (Entered: 12/15/2015)
02/03/2016	80	NOTICE OF ATTORNEY APPEARANCE Peter A. Blackett appearing for USA. (Blackett, Peter) (Entered: 02/03/2016)
02/25/2016	84	*** SEE DKT. NUMBER 87 FOR REDACTED TRANSCRIPT *** TRANSCRIPT of Evidentiary Hearing as to DANIEL STEWART (1) held on 10-7-15 before Judge William T. Lawrence. (85 pages.) Court Reporter/Transcriber: Jean Knepley (Telephone: (317) 686-0197). Please review Local Rule 80-2 for more information on redaction procedures. Redaction Statement due 3/17/2016. Release of Transcript Restriction set for 5/25/2016. (Knepley, Jean) Modified on 5/25/2016 (SWM). (Entered: 02/25/2016)
02/25/2016	85	NOTICE of FILING of OFFICIAL TRANSCRIPT of Evidentiary Hearing held before Judge William T. Lawrence

		on 10-7-15 in case as to DANIEL STEWART (1) (Knepley, Jean) (Entered: 02/25/2016)
03/01/2016	86	(Case Participants Document) REDACTION STATEMENT in case as to DANIEL STEWART (1) re 84 Transcript filed by attorney Peter A. Blackett (Blackett, Peter) (Entered: 03/01/2016)
03/02/2016	87	REDACTED Version of previously filed 84 TRANSCRIPT of Evidentiary Hearing as to DANIEL STEWART (1) held on Wednesday, October 7, 2015 before Judge William T. Lawrence. (84 pages.) Court Reporter/Transcriber: Jean Knepley (Telephone: (317) 686-0197). (Knepley, Jean) Released on 5/25/2016 (SWM). (Entered: 03/02/2016)
03/10/2016	88	MOTION to Produce <i>FINGERPRINT EXEMPLARS</i> by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 03/10/2016)
03/14/2016	89	ORDER granting 88 Motion to Produce as to DANIEL STEWART (1): It is further ORDERED AND ADJUDGED that the Defendant, Daniel Stewart, is ordered to submit to fingerprint exemplars to establish the known fingerprints of the Defendant in this cause. This shall be done on March 18, 2016 before the pretrial conference that is currently scheduled to occur at 2:00 p.m. on that date. Signed by Judge William T. Lawrence on 3/14/2016.(DW) (Entered: 03/14/2016)
03/21/2016	90	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Pretrial Conference as to DANIEL STEWART (1) held on 3/18/2016.***See Entry*** (Court

		Reporter Cathy Jones) (CMC) (Entered: 03/21/2016)
03/24/2016	91	***STRICKEN PER 94 ORDER*** Unopposed MOTION to Continue <i>Jury Trial</i> by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Champion, Larry) Modified on 3/25/2016 (DW). (Entered: 03/24/2016)
03/24/2016	92	Unopposed MOTION to Continue <i>Jury Trial</i> by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Champion, Larry) (Entered: 03/24/2016)
03/24/2016	93	MOTION to Strike <i>Document No. 91</i> by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Champion, Larry) (Entered: 03/24/2016)
03/25/2016	94	ORDER granting 93 Motion to Strike as to DANIEL STEWART (1). IT IS THEREFORE ORDERED that Document No. 91 is hereby stricken. Signed by Judge William T. Lawrence on 3/25/2016.(DW) (Entered: 03/25/2016)
03/28/2016	95	ORDER granting 92 Motion to Continue as to DANIEL STEWART (1): IT IS THEREFORE ORDERED that the April 11, 2016 trial date presently set in this cause is continued until August 15, 2016 at 9:00 a.m. in Courtroom 202 of the U.S. Courthouse, Indianapolis, Indiana and a final pretrial conference (defendant in person) shall be conducted on July 19, 2016 at 10:00 a.m. in Courtroom 202 of the U.S. Courthouse in Indianapolis, Indiana ***SEE ORDER FOR ADDITIONAL DEADLINES***. Signed by Judge William T. Lawrence on 3/25/2016.(DW) (Main Document 95 replaced on 3/28/2016) (DW). (Entered: 03/28/2016)

		03/28/2016)
07/14/2016	<u>96</u>	MOTION to Compel by DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Champion, Larry) (Entered: 07/14/2016)
07/15/2016	<u>97</u>	RESPONSE in Opposition re <u>96</u> MOTION to Compel by USA as to DANIEL STEWART (1) (Brady, Michelle) (Entered: 07/15/2016)
07/18/2016	<u>98</u>	MOTION in Limine by DANIEL STEWART (1). (Champion, Larry) (Entered: 07/18/2016)
07/18/2016	<u>99</u>	NOTICE <i>Regarding Expert Witnesses</i> by USA as to DANIEL STEWART (1) (Attachments: # <u>1</u> Exhibit 1 - Mr. Whitt's Curriculum Vitae, # <u>2</u> Exhibit 2 - Mr. Whitt's Laboratory Examination Report, # <u>3</u> Exhibit 3 - Mr. Whitt's Laboratory Examination Report, # <u>4</u> Exhibit 4 - Kent Hedburg Curriculum Vitae, # <u>5</u> Exhibit 5 - Linda Bailey Curriculum Vitae, # <u>6</u> Exhibit 6 - Mr. Hedburg's Laboratory Examination Report, # <u>7</u> Exhibit 7 - Ms. Bailiey's Latent Print Identification Report, # <u>8</u> Exhibit 8 - Mr. Alexander's Curriculum Vitae, # <u>9</u> Exhibit 9 - Bases for Mr. Alexander's Testimony, # <u>10</u> Exhibit 10 - Mr. Cline's Curriculum Vitae, # <u>11</u> Exhibit 11 - Mr. VanOeveren's Curriculum Vitae)(Brady, Michelle) (Entered: 07/18/2016)
07/19/2016	<u>100</u>	COURTROOM MINUTES for final pretrial conference held 7/19/2016 before Judge William T. Lawrence.***See Entry***. Jury trial remains set to begin August 15, 2016 at 9:00 a.m. (Court Reporter Cathy Jones) (CMC) (Entered: 07/19/2016)
07/20/2016	<u>101</u>	ENTRY ON MOTION TO COMPEL as to DANIEL STEWART (1): For the

		foregoing reasons, the Defendant's Motion to Compel (Dkt. No. 96) is DENIED ***SEE ENTRY FOR ADDITIONAL INFORMATION***. Signed by Judge William T. Lawrence on 7/20/2016.(DW) (Entered: 07/22/2016)
07/25/2016	102	RESPONSE in Opposition re 98 MOTION in Limine by USA as to DANIEL STEWART (1) (Attachments: # 1 Exhibit Transcript, January 20, 2015 Traffic Stop, # 2 Exhibit Detective Ball's Suppression Motion Testimony, # 3 Exhibit Transcript of January 20, 2015 post-Miranda Interview)(Brady, Michelle) (Entered: 07/25/2016)
07/28/2016	103	MOTION for Extension of Time to July 28, 2016 <i>to file its in limine motion</i> by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 07/28/2016)
07/28/2016	104	MOTION in Limine by USA as to DANIEL STEWART (1). (Attachments: # 1 Exhibit 1-Transcript of Post Miranda interview of Stewart)(Brady, Michelle) (Entered: 07/28/2016)
07/29/2016	105	ORDER granting 103 Motion for Extension of Time as to DANIEL STEWART (1). It is further ORDERED AND ADJUDGED that the date for the government to file its in limine motion is hereby extended by ten (10) days to and including, July 28, 2016. Signed by Judge William T. Lawrence on 7/29/2016.(DW) (Entered: 08/01/2016)
08/02/2016	106	ENTRY in case as to DANIEL STEWART (1): On August 1, 2016, the Court received a letter from defendant, pro se, though he is represented by counsel. The defendant is advised the

		letter will be forwarded, unread, to his counsel, who will decide whether and in what form to present the information contained therein to the Court. Future communications such as this should be directed to counsel who will present them to the Court in the proper form at counsel's discretion. Defense counsel shall provide defendant a copy of this Entry within 5 days. Signed by Judge William T. Lawrence on 8/2/2016. (DW) (Entered: 08/02/2016)
08/03/2016	107	Proposed Jury Instructions by USA as to DANIEL STEWART (1) (Brady, Michelle) (Entered: 08/03/2016)
08/03/2016	108	NOTICE OF JOINT PROPOSED ISSUE INSTRUCTION by USA as to DANIEL STEWART (1) (Attachments: # 1 Exhibit A-Proposed Issue Instruction)(Brady, Michelle) (Entered: 08/03/2016)
08/08/2016	111	MOTION to Maintain Document Under Seal 110 SEALED Document (Sealed - entry) by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 08/08/2016)
08/08/2016	112	<i>Opposition to Defendant's Motion to Continue Trial Date</i> by USA as to DANIEL STEWART (1). (Brady, Michelle) Modified on 8/9/2016 (DW). (Entered: 08/08/2016)
08/09/2016	113	ENTRY ON DEFENDANT'S MOTION TO CONTINUE: For the foregoing reasons, the Court DENIES the Defendant's motion for continuance 109 as to DANIEL STEWART (1). Signed by Judge William T. Lawrence on 8/9/2016.(DW) (Entered: 08/09/2016)
08/09/2016	114	ORDER granting 111 Motion to Maintain Document Under Seal 110

		SEALED Document (Sealed - entry) as to DANIEL STEWART (1). Signed by Judge William T. Lawrence on 8/9/2016.(MAC) (Entered: 08/10/2016)
08/10/2016	<u>116</u>	NOTICE of Amended Joint Issue Instruction by USA as to DANIEL STEWART (1) re <u>108</u> Notice (Other) (Attachments: # <u>1</u> Exhibit)(Brady, Michelle) (Entered: 08/10/2016)
08/10/2016	<u>118</u>	MOTION to Seal Document 117 SEALED Document (Sealed - entry) by USA as to DANIEL STEWART (1). (Attachments: # <u>1</u> Text of Proposed Order)(Brady, Michelle) (Entered: 08/10/2016)
08/10/2016	<u>119</u>	EXHIBIT LIST by DANIEL STEWART (1) (Champion, Larry) (Entered: 08/10/2016)
08/10/2016	<u>120</u>	WITNESS LIST by DANIEL STEWART (1) (Champion, Larry) (Entered: 08/10/2016)
08/10/2016	<u>121</u>	EXHIBIT LIST by USA as to DANIEL STEWART (1) (Brady, Michelle) (Entered: 08/10/2016)
08/10/2016	<u>122</u>	Proposed Jury Instructions by USA as to DANIEL STEWART (1) (Attachments: # <u>1</u> Exhibit)(Brady, Michelle) (Entered: 08/10/2016)
08/11/2016	<u>123</u>	ENTRY ON MOTIONS IN LIMINE: This cause is before the Court on (1) the Defendant's Motion in Limine (Dkt. No. 98) and (2) the Government's Motion in Limine (Dkt. No. 104). The Court, being duly advised, GRANTS IN PART AND DENIES IN PART the Defendant's motion and GRANTS the Government's motion ***SEE ENTRY FOR ADDITIONAL INFORMATION***. Signed by Judge William T. Lawrence on

		8/11/2016.(DW) (Entered: 08/11/2016)
08/11/2016	125	MOTION to Maintain Document Under Seal 124 SEALED Document (Sealed - entry) by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 08/11/2016)
08/11/2016	126	ENTRY in case as to DANIEL STEWART (1): Attached are the Court's proposed preliminary instructions. Any objections should be filed on or before August 12, 2016. Signed by Judge William T. Lawrence on 8/11/2016. (DW) (Entered: 08/11/2016)
08/11/2016	127	EXHIBIT LIST by USA as to DANIEL STEWART (1) (Brady, Michelle) (Entered: 08/11/2016)
08/12/2016	128	Proposed Jury Instructions by DANIEL STEWART (1) (Champion, Larry) (Entered: 08/12/2016)
08/12/2016	130	ORDER granting 125 Motion to Maintain Document Under Seal 124 SEALED Document (Sealed - entry) as to DANIEL STEWART (1). Signed by Judge William T. Lawrence on 8/12/2016.(MAC) (Entered: 08/15/2016)
08/15/2016	131	Preliminary Jury Instructions as given on 8/15/2016 as to DANIEL STEWART (1). (CMC) (Entered: 08/15/2016)
08/17/2016	132	Proposed Jury Instructions by DANIEL STEWART (1) (Champion, Larry) (Entered: 08/17/2016)
08/18/2016	137	Final Jury Instructions as to DANIEL STEWART (1) as given on 8/18/2016. (CMC) (Entered: 08/22/2016)
08/19/2016	140	Final Jury Instructions as given

		8/19/2016 as to DANIEL STEWART (1) forfeiture proceeding. (CMC) (Entered: 08/22/2016)
08/22/2016	133	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Jury Trial as to DANIEL STEWART (1) held on 8/15/2016. Plaintiff appears by its representative and by counsel; defendant appears in person and with counsel; and the trial begins. Court addresses miscellaneous matters with counsel prior to the entry of venire. Those persons regularly drawn and summoned as prospective jurors are duly sworn and examined and the jury selected to try this action is sworn. The Court gives the jury its preliminary instructions. Plaintiff presents the testimony of Ryan VanOeveren, Brady Ball, and documentary evidence. At the time for adjournment the jury is admonished and permitted to separate. Court is adjourned until 9:00 a.m. August 16, 2016. (Court Reporter Cathy Jones) (CMC) (Entered: 08/22/2016)
08/22/2016	134	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Jury Trial as to DANIEL STEWART (1) held on 8/16/2016. Plaintiff appears by its representative and with counsel; defendant appears in person and with counsel; and the trial continues. Plaintiff continues with the testimony of Brady Ball, Ryan Clark, and documentary evidence. At the time for adjournment, the jury is admonished and permitted to separate. Court is adjourned until 9:00 a.m. on August 17, 2016. (Court Reporter Cathy Jones) (CMC) (Entered: 08/22/2016)
08/22/2016	135	COURTROOM MINUTES for proceedings held before Judge William

		<p>T. Lawrence: Jury Trial as to DANIEL STEWART (1) held on 8/17/2016.</p> <p>Plaintiff appears by its representative and with counsel; defendant appears in person and with counsel; and the trial continues. Plaintiff continues with the testimony of Kent Hedberg, Linda Bailey, Ann Jacobs, Rosemarie Brown, James Howe, Femi Emmanuel, Steven Alexander, Michael Cline, and documentary evidence. Plaintiff rests. At the time for adjournment, the jury is admonished and permitted to separate. Court is adjourned until 9:00 a.m. on August 18, 2016. (Court Reporter Cathy Jones) (CMC) (Entered: 08/22/2016)</p>
08/22/2016	136	<p>COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Jury Trial as to DANIEL STEWART (1) held on 8/18/2016.</p> <p>Plaintiff appears by its representative and with counsel; defendant appears in person and with counsel; and the trial continues. Defendant presents the testimony of Kenneth Loyal, Daniel Stewart, Chris Duckworth, and documentary evidence. Defendant rests. Plaintiff presents the testimony of Ryan VanOeveren on rebuttal. Plaintiff rests on rebuttal. Final arguments are made. Copies of the final instructions and verdict form are distributed to the jurors; the Court reads the final instructions and verdict form to the jury. The Court gives closing instructions. The bailiff, Cara Chittenden, who is to take charge of the jury, is duly sworn. The jury retires to conduct its deliberations. The jury returned to open court and stated it had reached a verdict. The verdict is read allowed and is accepted by the Court. The jury is informed the defendant has requested they determine whether the property</p>

		seized pursuant to the charges should be forfeited. The jury is admonished and permitted to separate to reconvene August 19, 2016 at 10:00 a.m. for the forfeiture portion of the proceeding. (Court Reporter Cathy Jones) (CMC) (Entered: 08/22/2016)
08/22/2016	<u>138</u>	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Jury Trial as to DANIEL STEWART (1) held on 8/19/2016. Plaintiff appears by its representative and with counsel; defendant appears in person and by counsel; and the trial continues. Copies of the final instructions and verdict form as to forfeiture portion of proceeding are distributed to jurors; the Court reads the final instructions and verdict form to the jury. Plaintiff presents the testimony of Ryan Clark and documentary evidence. Plaintiff rests. Defendant rests. Final arguments are made. The Court gives closing instructions. The bailiff, Cara Chittenden, who is to take charge of the jury, is duly sworn. The jury retires to conduct its deliberations. The jury returns to open court and states it has reached a verdict. The verdict is read aloud and accepted by the Court. The jury was discharged. Court was adjourned. (Court Reporter Cathy Jones) (CMC) (Entered: 08/22/2016)
08/22/2016	<u>139</u>	ORDER as to DANIEL STEWART (1). The jury in this cause is committed to the custody of the Court's Bailiff. It is ordered that the United States District Court Clerk furnish meals for fourteen (14) jurors at the expense of the United States of America. Signed by Judge William T. Lawrence on 8/18/2016. (CMC) (Entered: 08/22/2016)
08/22/2016	<u>141</u>	ORDER as to DANIEL STEWART (1).

		The jury in this cause is committed to the custody of the Court's Bailiff. It is ordered that the United States District Court Clerk furnish meals for twelve (12) jurors at the expense of the United States of America. Signed by Judge William T. Lawrence on 8/19/2016. (CMC) (Entered: 08/22/2016)
08/23/2016	142	JURY VERDICT as to DANIEL STEWART (1) Guilty on Counts 1-6. (CMC) (Entered: 08/23/2016)
08/23/2016	143	JURY VERDICT as to defendant's forfeiture proceeding as given on 8/19/2016. (CMC) (Entered: 08/23/2016)
08/25/2016	147	MOTION for Forfeiture of Property (<i>PRELIMINARY ORDER</i>) by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 08/25/2016)
08/26/2016	148	PRELIMINARY ORDER OF FORFEITURE: Granted 147 Motion for Forfeiture of Property as to DANIEL STEWART (1) ***SEE ORDER FOR ADDITIONAL INFORMATION***. Signed by Judge William T. Lawrence on 8/26/2016. Paper copies to USM.(DW) (Entered: 08/26/2016)
09/15/2016	149	Letter from Daniel Stewart Pro Se in case as to DANIEL STEWART (1). (Attachments: # 1 Envelope) (MAC) (Entered: 09/19/2016)
09/26/2016	150	MOTION to Set Aside Forfeiture by DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Champion, Larry) (Entered: 09/26/2016)
10/06/2016	151	First MOTION for Extension of Time to File Response/Reply to 150 by USA as

		to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order Motion to Extend Time)(Brady, Michelle) Modified on 10/7/2016 (BRR). (Entered: 10/06/2016)
10/07/2016	152	ORDER - granting 151 Motion for Extension of Time to Respond to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings as to DANIEL STEWART (1). The United States shall have until November 4, 2016, in which to respond to Defendant's objection. Signed by Judge William T. Lawrence on 10/7/2016.(BRR) (Entered: 10/07/2016)
10/28/2016	154	RESPONSE in Opposition re 150 MOTION to Set Aside Forfeiture by USA as to DANIEL STEWART (1) <i>Response to Defendant's Objection to Forfeiture Proceedings and Request for Stay of Forfeiture Proceedings</i> (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 10/28/2016)
11/09/2016	157	ENTRY FOR NOVEMBER 9, 2016 - in case as to DANIEL STEWART (1). The Court received a letter from Defendant on November 9, 2016. The letter has been forwarded to counsel for Defendant. Signed by Judge William T. Lawrence on 11/9/2016. (BRR) (Entered: 11/09/2016)
11/10/2016	158	SCHEDULING ORDER as to DANIEL STEWART (1) - Defendant Stewart was convicted at a jury trial on August 18, 2016. Sentencing set for 11/28/2016 at 10:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Electronic Notice to USPO.(RSF) (Entered: 11/10/2016)

11/23/2016	159	NOTICE of FILING of OFFICIAL TRANSCRIPT of Jury Trial-Testimony of Daniel Stewart held before Judge William T. Lawrence on August 18, 2016, in case as to DANIEL STEWART (1) (Jones, Cathy) (Entered: 11/23/2016)
11/23/2016	160	TRANSCRIPT of Jury Trial-Testimony of Daniel Stewart as to DANIEL STEWART (1) held on August 18, 2016, before Judge William T. Lawrence. (94 pages.) Court Reporter/Transcriber: Cathy Jones (Telephone: (317) 922-9958). Please review Local Rule 80-2 for more information on redaction procedures. Redaction Statement due 12/14/2016. Release of Transcript Restriction set for 2/21/2017. (Jones, Cathy) (Entered: 11/23/2016)
11/23/2016	161	MOTION to Continue <i>Sentencing</i> by USA as to DANIEL STEWART (1). (Attachments: # 1 Text of Proposed Order)(Brady, Michelle) (Entered: 11/23/2016)
11/28/2016	162	ORDER - granting 161 Motion to Continue as to DANIEL STEWART (1). Plea and Sentence reset for 11/28/2016 at 11:00 AM in room #202, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge William T. Lawrence. Signed by Judge William T. Lawrence on 11/28/2016. Electronic Notice to USPO.(BRR) (Entered: 11/28/2016)
11/28/2016	163	COURTROOM MINUTES for proceedings held before Judge William T. Lawrence: Sentencing held on 11/28/2016. Defendant appears in person and by counsel. Appearance for USA by AUSA Michelle Brady. Appearance for USPO by Matt

		Renshaw. Defendant was convicted of Counts 1-6 at jury trial on August 18, 2016. The sentencing phase of the hearing begins. The Court sentences Defendant. Defendant is remanded to the custody of the USM. (Court Reporter Cathy Jones) (CMC) (Entered: 11/28/2016)
11/28/2016	164	(Case Participants Document) REDACTION STATEMENT in case as to DANIEL STEWART (1) re 160 Transcript filed by attorney Peter A. Blackett (Blackett, Peter) (Entered: 11/28/2016)
11/30/2016	165	JUDGMENT as to DANIEL STEWART (1). Defendant found guilty Counts 1-6. IMPRISONMENT: Life without release, plus 5 years Ct. 1: Life without release, Ct. 2: 15 years, Ct. 4: 10 years, Ct. 5: 10 years, Ct. 6: 10 years, all concurrent. SUPERVISED RELEASE: 10 years. Ct. 1: 10 years, Cts. 2-3: 5 years, Cts. 4-6: 3 years, all concurrent. FINE: 3,000. S.A. FEE: 600. Signed by Judge William T. Lawrence on 11/30/2016. (BRR) (Entered: 11/30/2016)

Case #: 1:15-cr-00024-WTL-DKL-1

PACER Service Center			
Transaction Receipt			
12/06/2016 16:15:42			
PACER Login:	mt0852:2801856:0	Client Code:	LRC-Stewart
Description:	Docket Report	Search Criteria:	1:15-cr-00024-WTL-DKL
Billable Pages:	13	Cost:	1.30

SEVENTH CIRCUIT TRANSCRIPT INFORMATION SHEET

PART I – Must be completed by party or party's attorney pursuant to Rule 10(b) of the Federal Rules of Appellate Procedure and Rule 11(a) of the Circuit Rules. The appellant must file this form with the court reporter within 14 days of filing the notice of appeal, whether transcript is being ordered or not. (FRAP 10(b)(1)) Satisfactory arrangements with the court reporter for payment of the costs of the transcripts must also be made at that time. (FRAP 10(b)(4)) (Note: Appellees as well as appellants are expected to use this form when ordering transcripts.)

Short Title United States v. Daniel Stewart	District Southern District	D.C. Docket No. 1:15-cr-0024-WTL-DKL
	District Judge William T. Lawrence	Court Reporter Cathy Jones

<input checked="" type="checkbox"/> I am ordering transcript. <input type="checkbox"/> I am not ordering transcript because: <input type="checkbox"/> The transcript has been prepared.	Sign below and return original and one copy to court reporter. Distribute remaining copies to the Clerk of the District Court and opposing party, retaining one copy for yourself.
---	--

Indicate proceedings for which transcript is required. Dates must be provided:		Date(s)
<input checked="" type="checkbox"/> Pretrial proceedings. Specify: <u>All of record - 1/23/15, 2/2/15, 2/26/15, 8/19/15, 10/7/15, 3/18/16, 7/19/16, 8/9/16,</u>		<u>8/11/16, 8/15/16, 8/16/16</u>
<input checked="" type="checkbox"/> Voir Dire		<u>8/15/16</u>
Trial or Hearing. Specify: <u>All testimony and exhibits at trial and including hearing before all Magistrates.</u>		
<input checked="" type="checkbox"/> Opening statement		<u>8/15/16</u>
<input checked="" type="checkbox"/> Instruction conference		<u>8/15/16</u>
<input checked="" type="checkbox"/> Closing statements		<u>8/18 & 19/16</u>
<input checked="" type="checkbox"/> Court instructions		<u>8/19/16</u>
<input checked="" type="checkbox"/> Post-trial proceedings. Specify: _____		_____
<input checked="" type="checkbox"/> Sentencing		<u>11/28/16</u>
<input checked="" type="checkbox"/> Other proceedings. Specify: <u>All proceeding in case of any kind.</u>		_____

Method of Payment: <input type="checkbox"/> Cash	<input type="checkbox"/> Check or Money Order	<input type="checkbox"/> C.J.A. Voucher
Status of Payment: <input type="checkbox"/> Full Payment	<input type="checkbox"/> Partial Payment	<input checked="" type="checkbox"/> No Payment Yet

Signature: <u>s/ Larry R. Champion</u>	Telephone No. <u>317-637-1383</u>
Address: <u>251 E. Ohio Street, #830</u> <u>Indianapolis, Indiana 46204</u>	Date: <u>December 8, 2016</u>

PART II – Must be completed by Court Reporter pursuant to Rule 11(b) of the Federal Rules of Appellate Procedure. By signing this Part II, the Court Reporter certifies that *satisfactory arrangements for payment have been made*.

U.S.C.A. Docket No.	Date Order Received	Estimated Completion Date	Estimated Length
---------------------	---------------------	---------------------------	------------------

Signature of Court Reporter: <u>s/</u>	Date: _____
--	-------------

NOTICE: The Judicial Conference of the United States, by its resolution of March 11, 1982, has provided that a penalty of 10 percent must apply, unless a waiver is granted by the Court of Appeals' Clerk, when a "transcript of a case on appeal is not delivered within 30 days of the date ordered and payment received therefor." The penalty is 20 percent for transcript not delivered within 60 days.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF DOCKETING - Short Form

December 8, 2016

To: Laura A. Briggs
District/Bankruptcy Clerk

The below captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit:

Appellate Case No: 16-4105

Caption:
UNITED STATES OF AMERICA,
Plaintiff - Appellee

v.

DANIEL STEWART,
Defendant - Appellant

District Court No: 1:15-cr-00024-WTL-DKL-1
Clerk/Agency Rep Laura A. Briggs
Court Reporter Cathy Jones
District Judge William T. Lawrence

Date NOA filed in District Court: 12/08/2016

If you have any questions regarding this appeal, please call this office.

form name: **c7_Docket_Notice_short_form**(form ID: 188)

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

January 6, 2017

By the Court:

UNITED STATES OF AMERICA,	]	Appeal from the United	
Plaintiff-Appellee,	]	States District Court	
	]	for the Southern District	
No. 16-4105	v.	]	of Indiana, Indianapolis
		]	Division.
DANIEL STEWART,]		
Defendant-Appellant.	]	No. 1:15-cr-00024-WTL-DKL-1	
]		
	]	William T. Lawrence,	
	]	Judge.	

This matter comes before the court for its consideration of attorney Larry R. Champion's **REQUEST TO WITHDRAW AS APPELLATE COUNSEL**, filed on December 14, 2016. Upon consideration thereof,

IT IS ORDERED that the Motion to Withdraw is **GRANTED**.

IT IS FURTHER ORDERED that Barry Levenstam, JENNER & BLOCK LLP, 353 N. Clark Street, Chicago, IL 60654, is appointed to represent defendant-appellant Daniel Stewart pursuant to the provisions of the Criminal Justice Act. Counsel is directed to contact the defendant-appellant immediately.

Briefing shall proceed as follows:

1. Defendant-appellant shall file his brief and required short appendix on or before April 11, 2017.
2. Plaintiff-appellee shall file its brief on or before May 11, 2017.
3. Defendant-appellant shall file his reply brief, if any, on or before May 25, 2017.

Important Scheduling Notice !

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	1:15-cr-0024-WTL-DKL
DANIEL STEWART,)	
)	
Defendant.)	

MOTION TO SUBSTITUTE PHOTOCOPIES FOR ORIGINAL DOCUMENTS

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Michelle Brady, Assistant United States Attorney, files the following Motion to Substitute Photocopies for Original Exhibits and avers the following in support of the Motion:

1. The government introduced the following two cellular phones into evidence in the trial in the above-referenced case: Government Exhibits 86 and 87.
2. The government will need to use the same photographs as evidence in the case of *United States v. Geraldo Colon*, No. 1:15-cr-00080, which is scheduled for trial on January 23, 2017.

WHEREFORE, the government requests the Court to order the Clerk of Courts to transfer the original exhibits to the government and to substitute color photocopies of the exhibits for the original exhibits.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s:/ Michelle P. Brady
Michelle P. Brady
United States Attorney's Office
E-mail: michelle.brady@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2017, a copy of the foregoing Motion to Substitute Photocopies for Original Documents was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

By: S:/Michelle P. Brady _____
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
E-mail: Michelle.Brady@usdoj.gov

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	1:15-cr-0024-WTL-DKL
DANIEL STEWART,)	
)	
Defendant.)	

ORDER

This issue comes before the Court on the government's Motion to Substitute Photocopies for Original Documents.

And the Court, having considered the government's Motion and having reviewed the facts and circumstances set forth therein, now hereby GRANTS the government's Motion. The Clerk of Courts is ordered to transfer Government Exhibits 86 and 87 to the government. The government is ordered to return photocopies of the above-referenced Exhibits to the Clerk of Courts.

It is so ORDERED this ____ day of _____, 2017

William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

**UNITED STATES DISTRICT COURT
Southern District of Indiana**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
vs.	)	CASE NO. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART)	
Defendant(s))	

NOTICE OF FILING OF OFFICIAL TRANSCRIPT

Notice is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. The parties have seven (7) calendar days to file with the Court a Notice of Intent to Redact this transcript, after which the parties have twenty-one (21) calendar days from the filing of the transcript to file the Redaction Statement. A Redaction Statement must include the page and line of the transcript where the redaction is being requested. If neither a Notice of Intent to Redact nor a Redaction Statement is filed, the unredacted transcript will be made electronically available to the public after ninety (90) calendar days.

Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the Clerk's Office public terminal.

DATE: <u>January 13, 2017</u>	<u>s/ Cathy Jones</u> Court Reporter
-------------------------------	---

Certificate of Service

I hereby certify that on the date noted above a copy of the foregoing Notice of Filing Official Transcript was served on the parties in this matter by operation of the Court's CM/ECF electronic filing system as to all registered attorneys, and/or I mailed the document to non-registered participants by first-class U.S. Mail, postage prepaid.

s/ Cathy Jones
Court Reporter

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION


UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	1:15-cr-0024-WTL-DKL
DANIEL STEWART,)	
)	
Defendant.)	

ORDER

This issue comes before the Court on the government's Motion to Substitute Photocopies for Original Documents.

And the Court, having considered the government's Motion and having reviewed the facts and circumstances set forth therein, now hereby GRANTS the government's Motion. The Clerk of Courts is ordered to transfer Government Exhibits 86 and 87 to the government. The government is ordered to return photocopies of the above-referenced Exhibits to the Clerk of Courts.

It is so ORDERED this 13th day of January, 2017


Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via electronic notification.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

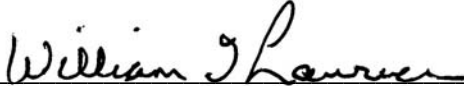
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:15-cr-00024-WTL-DKL-1
)	
DANIEL STEWART,)	
)	
Defendant.)	

ORDER SEALING VOIR DIRE TRANSCRIPT

The parties have requested production of the transcript of the jury trial held in this matter. The Court acknowledges its duty to maintain court records in ways that make them accessible to the public. However, a countervailing duty arises when, in order to ensure full, candid and truthful disclosures by potential jurors, their disclosures regarding personal and highly sensitive matters may necessitate some level of confidentiality and protection from private scrutiny.

Because the individual inquiry of the jurors in this case touched on each juror's experiences in sensitive areas not appropriate for routine public discussion, and because the inquiry ventured into deeply personal matters, the interest in preserving each of these jurors' privacy outweighs the interest in allowing access to the transcript of voir dire proceedings as a matter of course. Accordingly, after considering and rejecting other alternatives, the court orders the original unredacted transcript of the voir dire proceedings be filed under seal, subject to a motion to unseal for good cause shown.

Date: 2/10/17


Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution to all registered counsel via ECF

**UNITED STATES DISTRICT COURT
Southern District of Indiana**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
vs.	)	CASE NO. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART)	
Defendant(s))	

NOTICE OF FILING OF OFFICIAL TRANSCRIPT

Notice is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. The parties have seven (7) calendar days to file with the Court a Notice of Intent to Redact this transcript, after which the parties have twenty-one (21) calendar days from the filing of the transcript to file the Redaction Statement. A Redaction Statement must include the page and line of the transcript where the redaction is being requested. If neither a Notice of Intent to Redact nor a Redaction Statement is filed, the unredacted transcript will be made electronically available to the public after ninety (90) calendar days.

Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the Clerk's Office public terminal.

DATE: <u>February 16, 2017</u>	<u>s/ Cathy Jones</u> Court Reporter
--------------------------------	---

Certificate of Service

I hereby certify that on the date noted above a copy of the foregoing Notice of Filing Official Transcript was served on the parties in this matter by operation of the Court's CM/ECF electronic filing system as to all registered attorneys, and/or I mailed the document to non-registered participants by first-class U.S. Mail, postage prepaid.

s/ Cathy Jones
Court Reporter

**UNITED STATES DISTRICT COURT
Southern District of Indiana**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
vs.	)	CASE NO. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART)	
Defendant(s))	

NOTICE OF FILING OF OFFICIAL TRANSCRIPT UNDER SEAL

Notice is hereby given that an official transcript of the Jury Voir Dire held on August 15, 2016,, has been filed by the court reporter in the above-captioned action. Pursuant to court policy, this transcript shall be and remain **SEALED**. The Clerk and Court Reporter have been instructed by the Court that such transcript shall not be made available to the public through PACER after the customary ninety (90) day time period. Any party to this action may purchase a copy of the transcript from the court reporter.

DATE: February 16, 2017

s/ Cathy Jones
Court Reporter

Certificate of Service

I hereby certify that on the date noted above a copy of the foregoing Notice of Filing Official Transcript was served on the parties in this matter by operation of the Court's CM/ECF electronic filing system as to all registered attorneys, and/or I mailed the document to non-registered participants by first-class U.S. Mail, postage prepaid.

s/ Cathy Jones
Court Reporter

SEIZED ASSET CLAIM FORM**FILED**

[Agency Name – from Notice Letter or Internet Advertisement]

MAR 20 2017

[Agency Address– from Notice Letter or Internet Advertisement]

**U.S. CLERK OF
INDIANAPOLIS, INDIANA****YOU MUST COMPLETE ALL PARTS OF THIS FORM FOR THE ASSETS YOU ARE CLAIMING.**

PART I: Enter your contact information	
Name: Dewayne Harper	
Address: [Include Street, City, State and Zip Code] 4937 Clarkson Dr. Indianapolis, IN 46254	
Telephone Number: (optional) 317-874-5172	Email Address: (optional) dewayneharper218@yahoo.com
Attorney Name: (optional)	
Attorney Address: [Include Street, City, State and Zip Code]	
Attorney Telephone Number: (optional)	Attorney Email Address: (optional)

PART II: List all assets you are claiming					
State your interest in each asset listed and explain why you believe the property belongs to you. You may attach documents to support your claim. If claiming more than three assets, continue on a separate page.					
1.	<table border="1"> <tr> <td>Asset ID Number: 15-IRS-001224</td> <td>Description of Asset: FNH-USA Model FNS-40 Caliber .40 Serial # GKU0037841 Black & Silver Semi-auto handgun with 3 magazines</td> </tr> <tr> <td colspan="2">Interest in Property: I am owner of the firearm, it was reported stolen from me in 2014 to IMPD (see attached receipt from when item was purchase)</td> </tr> </table>	Asset ID Number: 15-IRS-001224	Description of Asset: FNH-USA Model FNS-40 Caliber .40 Serial # GKU0037841 Black & Silver Semi-auto handgun with 3 magazines	Interest in Property: I am owner of the firearm, it was reported stolen from me in 2014 to IMPD (see attached receipt from when item was purchase)	
Asset ID Number: 15-IRS-001224	Description of Asset: FNH-USA Model FNS-40 Caliber .40 Serial # GKU0037841 Black & Silver Semi-auto handgun with 3 magazines				
Interest in Property: I am owner of the firearm, it was reported stolen from me in 2014 to IMPD (see attached receipt from when item was purchase)					
2.	<table border="1"> <tr> <td>Asset ID Number:</td> <td>Description of Asset:</td> </tr> <tr> <td colspan="2">Interest in Property:</td> </tr> </table>	Asset ID Number:	Description of Asset:	Interest in Property:	
Asset ID Number:	Description of Asset:				
Interest in Property:					
3.	<table border="1"> <tr> <td>Asset ID Number:</td> <td>Description of Asset:</td> </tr> <tr> <td colspan="2">Interest in Property:</td> </tr> </table>	Asset ID Number:	Description of Asset:	Interest in Property:	
Asset ID Number:	Description of Asset:				
Interest in Property:					

PART III: Declaration

I attest and declare under penalty of perjury that my claim is not frivolous and the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Dewayne Harper

Name Printed

Dewayne Harper

Signature

3-15-17

Date

If a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine. 18 U.S.C. § 983(h). A false statement or claim may subject a person to prosecution under 18 U.S.C. § 1001.

WESTSIDE LOAN COMPANY
3428 WEST 10TH STREET

dewayne a HARPER
 4937 CLARKSON DR
 INDPLS, IN 46254

SALES RECEIPT #:
132469

INDIANAPOLIS, IN 46222
(317) 637-3005

Date: 05/25/2013

EMP: TC

Page: 1 of 1

Item	Description	Qty	Price	Total
G-10083451-1	PISTOL FIREARM FABRIQUE/NATIONALE fns-40, #gku0037841, .40S&W, SEMI-AUTO; case	1	499.95	499.95

SUB TOTAL: 499.95

SALES TAX: 35.00

SALES TOTAL: 534.95

CASH: 534.95

TOTAL TENDERED: 534.95

\$\$\$\$\$\$\$\$\$NO CASH REFUNDS\$\$\$\$\$\$\$\$\$
 VERY FAIR LENDING RATES ON CASH LOANS!!!

Dwayne Harper
4937 Clarkson Dr.
Indianapolis, IN 46254

Case 1:15-cr-00024-WTL-DKL Document 214-2 Filed 03/20/17 Page 1 of 1 PageID 3859

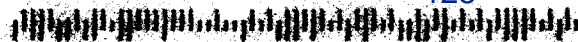
INDIANAPOLIS IN 462

16 MAR 2017 PM 5 1



Clerk Room 105
46 E. Ohio Street
Indianapolis, IN 46204

46204-190399



SEIZED ASSET CLAIM FORM

FILED

MAR 20 2017

[Agency Name – from Notice Letter or Internet Advertisement]

U.S. Dept. of Justice U.S. Attorney Southern District IN

[Agency Address– from Notice Letter or Internet Advertisement]

10 West Market St. Ste 2100 Indpls. IN 46204-3048

YOU MUST COMPLETE ALL PARTS OF THIS FORM FOR THE ASSETS YOU ARE CLAIMING.

PART I: Enter your contact information

Name: Melanie F. BLUNK

Address: [Include Street, City, State and Zip Code]

3812 OIL Creek Drive
Indpls. IN 46268

Telephone Number: (optional)

317-506-5643

Email Address: (optional)

mblunk5@yahoo.com

Attorney Name: (optional)

Attorney Address: [Include Street, City, State and Zip Code]

Attorney Telephone Number: (optional)

Attorney Email Address: (optional)

PART II: List all assets you are claiming

State your interest in each asset listed and explain why you believe the property belongs to you. You may attach documents to support your claim. If claiming more than three assets, continue on a separate page.

1.	Asset ID Number: 15-IRS-001220	Description of Asset: SERIAL # 334-80066 Ruger, Model SR9C, CALIBER: 9mm | ^{one} magazine
	Interest in Property: OWNER. Property bought 4-10-2014. See attached receipt.	

2.	Asset ID Number:	Description of Asset:
	Interest in Property:	

3.	Asset ID Number:	Description of Asset:
	Interest in Property:	

PART III: Declaration

I attest and declare under penalty of perjury that my claim is not frivolous and the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Melanie F. BLUNK
Name Printed

Melanie F. Blunk
Signature

3-17-2017
Date

If a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine. 18 U.S.C. § 983(h). A false statement or claim may subject a person to prosecution under 18 U.S.C. § 1001.



agency name

U.S. Department of Justice

United States Attorney
Southern District of Indiana

agency address →

10 West Market Street
Suite 2100
Indianapolis, IN 46204-3048**FILED****MAR 20 2017**U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA(317) 226-6333
TDD (317) 226-5438FAX NUMBERS:
Criminal (317) 226-6125
Administration (317) 226-5176
Civil (317) 226-5027
FLU (317) 226-6133
OCDEF (317) 226-5953

Via Certified Mail: 7014 2120 0001 2091 9250 and First Class Mail

clerk's office # 317-229-3700 March 6, 2017

Richard Beard
4768 N. Mitchner Ave.
Indianapolis, Indiana 46226Re: Notice of Third Party Claimant Procedure for Property Forfeited in
United States v. Daniel Stewart, 1:15-cr-00024-WTL-DKLRec.
3/9
THUR

Dear Mr. Beard:

The United States District Court for the Southern District of Indiana has ordered that certain property seized from the defendant in the above-styled criminal case be forfeited to the United States. The enclosed Notice of Forfeiture describes the properties subject to forfeiture and the procedure for filing a claim to any of those properties in which you may have a legal right, title, or interest.

By receipt of this letter, you are given actual notice of the forfeiture of the property referred to in the Notice of Forfeiture and of your right to assert a claim to them. This Notice is intended only to apprise you of your rights; service of this Notice in no way is intended to imply that the United States believes that you have a valid claim to any of the forfeited property.

The procedure for filing a claim is set forth more fully in 21 U.S.C. § 853(n). Under § 853(n)(2) a person intending to file a claim must do so in the above-styled case within thirty (30) days of his or her receipt of this letter by mail, or within thirty (30) days of the last publication of the Notice of Forfeiture on the official internet government forfeiture site, www.forfeiture.gov, *whichever is earlier.* See Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. In this case, the Notice of Forfeiture was published on the government forfeiture website beginning on August 30, 2016, however we are extending the opportunity to you to file a claim within 30 days of this letter.

Richard Beard
March 6, 2017
Page 2

Your petition must be filed under the above case name and number in the United States District Court with a copy sent to the undersigned attorney for the Government. The appropriate addresses appear in the enclosed Notice of Forfeiture. Pursuant to 21 U.S.C. § 853(n)(3), the petition must be signed by the petitioner under penalty of perjury and must identify the particular property or properties in which the petitioner claims a legal right, title, or interest; the nature and extent of the such right, title, or interest in each property; the time and circumstances of the petitioner's acquisition of the right, title, and interest in each property; and any additional facts and documents supporting the petitioner's claim and the relief sought that you may wish to submit.

Sincerely,

JOSH J. MINKLER
United States Attorney

By:

Michelle A. Butler

Michelle A. Butler
Paralegal Specialist

Talbot JD
3-16-17

on behalf of Michelle P. Brady
Assistant United States Attorney

Enclosures

filing a "claim"
++ "petition"
?

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION
COURT CASE NUMBER: 1:15-CR-00024-WTL-DKL; NOTICE OF FORFEITURE**

Notice is hereby given that on August 26, 2016, in the case of U.S. v. Daniel Stewart, Court Case Number 1:15-CR-00024-WTL-DKL, the United States District Court for the Southern District of Indiana entered an Order condemning and forfeiting the following property to the United States of America:

all funds held in JP Morgan Chase Account Number 232269272, in the name of Daniel Stewart and/or Eleete Images Corp. (15-IRS-000318)

all funds held in JP Morgan Chase Account Number 2968077177, in the name of Daniel Stewart and/or Eleete Images Corp. (15-IRS-000319)

all funds held in JP Morgan Chase Account Number 232278383, in the name of Daniel Stewart and/or Eleete Images Corp. (15-IRS-000320)

\$487,542.00 in United States currency seized on or around January 21, 2015, from 4523 Eagle Creek Parkway, Apt. 101, Indianapolis, Indiana, a residence occupied by Daniel L. Stewart and Brittany Wallace which was seized from Daniel Stewart on January 21, 2015 at 4523 Eagle Creek Parkway, Apt. 101, located in Indianapolis, Indiana. (15-IRS-000321)

\$9,324.00 in United States currency, seized on or around January 20, 2015, from Daniel L. Stewart and the vehicle he was driving at the time of his arrest, at West 86th Street and Zionsville Rd., Indianapolis, Indiana. (15-IRS-000323)

One 2010 Volkswagen CC Sport, Vehicle Identification Number WVMML7AN5AE505113, titled in the name of Eleete Image, Inc., seized on or around January 20, 2015, from Daniel Stewart near West 86th Street and Zionsville Rd., Indianapolis, Indiana. (15-IRS-000324)

Ruger, Model: SR9C, Caliber: 9 mm, Serial Number 334-80066, black and silver in color semi automatic handgun with sixteen live rounds of 9 mm ammunition and one magazine, which was seized from Daniel Stewart on January 20, 2015 at West 86th Street and Zionsville Rd, located in Indianapolis, Indiana. (15-IRS-001220)

Taurus, Model: "The Judge", Caliber: .45LC/410GA, Serial Number: GW830779, black and silver in color revolver handgun with five live rounds of .410 caliber ammunition, which was seized from Daniel Stewart on January 20, 2015, at West 86th Street and Zionsville Rd, located in Indianapolis, Indiana. (15-IRS-001221)

Smith & Wesson, Model: SW40VE, Caliber: .40, Serial Number: DYL7044, black and silver semi-automatic handgun with fourteen live rounds of .40 caliber ammunition, one magazine and Crimson Trace laser sight, which was seized from Daniel Stewart on January 20, 2015, at West 86th Street and Zionsville Rd, located in Indianapolis, Indiana. (15-IRS-001222)

FNH USA, Model: FNP-45, Caliber: .45, Serial Number: 61DZZ05738, black and silver semi-automatic handgun with one magazine, which was seized from Daniel Stewart on January 20, 2015, at West 86th Street and Zionsville Rd, located in

*asset
info.
asset id #*

Indianapolis, Indiana. (15-IRS-001223)

FNH-USA, Model: FNS-40, Caliber: .40, Serial Number: GKU0037841, black and silver semi-automatic handgun with three magazines, which was seized from Daniel Stewart on January 20, 2015, at West 86th Street and Zionsville Rd, located in Indianapolis, Indiana. (15-IRS-001224)

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file a Petition within 60 days of the first date of publication (August 30, 2016) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The petition must be filed with the Clerk of the Court, Room 105, United States Courthouse, 46 E. Ohio Street, Indianapolis, IN 46204, and a copy served upon Assistant United States Attorney Michelle Brady, 10 W. Market Street, Suite 2100, Indianapolis, IN 46204. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Send To → (1) Copy

Following the Court's disposition of all petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

GENERAL POWER OF ATTORNEY

I, *RICHARD L. BEARD JR.*, of Indianapolis, Marion County, Indiana, APPOINT my children, *RICHARD L. BEARD III and/or MELANIE F. BLUNK*, as my true and lawful co-attorneys-in-fact, for me and in my name. I specifically grant to my co-attorneys-in-fact the following powers:

I. POWERS.

By way of illustration only, and not intending any limitation, I specifically grant to my co-attorneys-in-fact the power to:

- A. Buy, receive, lease, accept, or otherwise acquire any property; sell, convey, mortgage, hypothecate, pledge, quitclaim, or otherwise dispose of or encumber any property; and contract or agree for the acquisition, disposition, or encumbrance of any property. As used in this power, the word "property" shall include any custody, possession, interest, or right pertaining to property of any character.
- B. Take, hold, possess, invest, lease, let, or otherwise manage my property; eject, remove, or relieve tenants, holders, or others of possession of my property; maintain, protect, preserve, insure, remove, ship, store, transfer, repair, rebuild, modify, subdivide, or improve my property; enter safety deposit boxes and remove or deposit items and close said box.
- C. Transact any kind of business, including the receipt, recovery, collection, payment, compromise, settlement, or adjustment of accounts, legacies, bequests, distributions, interests, employee benefits, annuities, demands, debts, taxes, and obligations due or payable by me or to me.
- D. Make, endorse, accept, receipt, sign, seal, execute, acknowledge, and deliver deeds, assignments, agreements, certificates, mortgages, security agreements, hypothecations, checks, notes, bonds, vouchers, receipts, and other instruments.
- E. Deposit or withdraw in my name funds, negotiable paper, credit, rights, or money that may come into my hands or that may be on deposit for me.
- F. Institute, prosecute, litigate, defend, compromise, arbitrate, or dispose of legal, equitable, or administrative claims, defenses, hearings, actions, suits, attachments, or other proceedings.
- G. Act as attorney or proxy with respect to any securities, shares, stocks, bonds, or other investments, rights or interests.

- H. Prepare, execute, and file income, gift, estate, or other tax returns and other governmental reports, applications, requests and other documents and to represent me in all tax proceedings.
- I. Disclaim any power or discretion (whether granted by this instrument, by statute, or otherwise) that is considered burdensome, unnecessary, or unwise.
- J. Disclaim gifts, inheritances, or other transfers to me.
- K. Make gifts to my children, or any other individuals, entities or charitable organizations, either outright or in trust, for the purposes my co-attorneys-in-fact consider to be in my best interest, including the minimization of income, estate, inheritance, or gift taxes; provided, however, that gifts to any such individual shall not exceed the annual gift tax exclusion as defined in Internal Revenue Code 2503(b). The annual gift tax exclusion at the time of signing this document is Fourteen Thousand Dollars (\$14,000.00).
- L. Purchase U.S. bonds redeemable at par for the payment of U.S. estate taxes and borrow funds to make such purchases.
- M. Perform every act, deed, matter, and thing with respect to my estate, property, and affairs as fully and effectually as I might if personally present and acting.
- N. Also, to perform every act, deed, matter, and thing necessary to provide for my personal care and well being, including, inter alia, selection of my abode, employment of companions or licensed or unlicensed nursing personnel, purchase or repair of my clothing, travel, recreation, entertainment, funeral and burial arrangements, and spiritual and religious needs, and to carry out my personal responsibilities, whether legal or moral only, including appropriate provision for my dependents.
- O. Upon any terms or limitations specified, substitute another in his or her place as my co-attorney-in-fact under this instrument; remove a substitute and revoke any delegation of authority and make further substitutions and other delegations; engage and dismiss agents, counsel, or employees, and appoint and remove any successor, substitute, or agent; and delegate one or more of the powers granted in this instrument to one or more other persons.

II. EFFECTIVE DATE AND TERMINATION.

- A. This Power of Attorney shall be effective as of the date it is signed.
- B. My disability or incompetence shall not affect or terminate this Power of Attorney.

III. APPLICABLE LAW.

This power of attorney is executed and delivered in Indiana in contemplation of Indiana law, and it shall be interpreted and governed in accordance with Indiana law.

IV. MINISTERIAL NATURE OF POWERS.

It is not my intention to grant any beneficial interests in my estate by this instrument but to grant to my co-attorneys-in-fact mere administrative powers of management, investment, and custody of my estate. The powers granted are to be exercised in a fiduciary capacity for my benefit and (except for the provision of reasonable compensation for services) not for the personal benefit of my co-attorneys-in-fact.

I REVOKE ALL PRIOR GRANTS OF POWER OF ATTORNEY.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

day of November, 2016.


RICHARD L. BEARD JR.

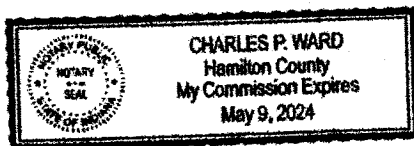
STATE OF INDIANA)
) SS:
COUNTY OF MARION)


Before me, a Notary Public in and for said County and State, personally appeared Richard L. Beard Jr., the grantor, and acknowledged the execution of the foregoing General Power of Attorney.

WITNESS my hand and notarial seal this

23rd

day of November, 2016.




Charles P. Ward, Notary Public

My Commission Expires: May 9, 2024

My County of Residence is: Hamilton

THIS INSTRUMENT PREPARED BY: Charles P. Ward, Attorney at Law, WARD & WARD, 728 South Meridian Street, Indianapolis, IN 46225, Telephone (317) 639-9501.

STURM, RUGER & CO., INC.	
200 Ruger Road	
Prescott, AZ 86301	
FFL#	9-86-025-07-3F-14472
Serial #	334-80066
Date:	2014/04/10
DAVID RENDON	
<i>David Rendon</i>	
Caliber:	RUGER 9MM LUGER
Type:	PISTOL
Model:	03313
Grooves/Twist:	6 R.H.
Turns:	1 in 10.00"

M. Blunk

3812 Oak Creek Drive.

Indianapolis, IN

46268

INDIANAPOLIS IN 462

18 MAR 2017 PM 5 L



RECEIVED

MAR 20 2017

U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

United States Courthouse
46 E. Ohio Street
Indianapolis, IN 46204
ATTN: Clerk of the Court
Room 105

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-00024-WTL-DKL
)	
DANIEL STEWART,)	
)	
Defendant.)	
_____)	
)	
JACOB W. SUMNER,)	
)	
Petitioner.)	

NOTICE OF CLAIM FOR SEIZED ASSET

The United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Michelle P. Brady, Assistant United States Attorney, received the attached claim from Petitioner, Jacob W. Sumner, on April 10, 2017.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: s/ Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, IN 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
E-mail: michelle.brady@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2017, a copy of the foregoing document was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system. I further certify that on April 21, 2017, a copy of the foregoing document was mailed, by first class U.S. Mail, postage prepaid and properly addressed to the following:

Jacob W. Sumner
7160 W. Glendale Lane
Greenfield, Indiana 46140

s/ Michelle P. Brady
Michelle P. Brady
Assistant United States Attorney
Office of the United States Attorney
10 W. Market St., Suite 2100
Indianapolis, IN 46204-3048
Telephone: (317) 226-6333
Fax: (317) 226-6125
E-mail: michelle.brady@usdoj.gov

SEIZED ASSET CLAIM FORM

[Agency Name – from Notice Letter or Internet Advertisement] **United States Attorney .
Southern District of INDIANA**

[Agency Address– from Notice Letter or Internet Advertisement] **10 W. Market ST
INDIANAPOLIS IN 46204-3048**

YOU MUST COMPLETE ALL PARTS OF THIS FORM FOR THE ASSETS YOU ARE CLAIMING.

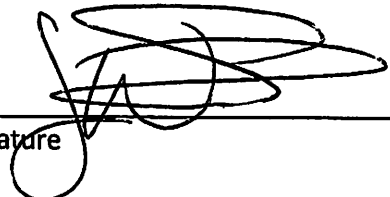
PART I: Enter your contact information	
Name: Jacob W Sumner	
Address: [Include Street, City, State and Zip Code] 7160 W Glendale LN	
Telephone Number: (optional) 317-627-4375	Email Address: (optional) CircleCityJake@gmail.com
Attorney Name: (optional)	
Attorney Address: [Include Street, City, State and Zip Code]	
Attorney Telephone Number: (optional)	Attorney Email Address: (optional)

PART II: List all assets you are claiming					
State your interest in each asset listed and explain why you believe the property belongs to you. You may attach documents to support your claim. If claiming more than three assets, continue on a separate page.					
1.	<table border="1"> <tr> <td>Asset ID Number: 15-IRS-001221</td> <td>Description of Asset: TAURUS, MODEL: The Judge SN:GW830779</td> </tr> <tr> <td colspan="2">Interest in Property: Property was stolen from my Home on 7.31.14. Police report NO. DP14080394</td> </tr> </table>	Asset ID Number: 15-IRS-001221	Description of Asset: TAURUS, MODEL: The Judge SN:GW830779	Interest in Property: Property was stolen from my Home on 7.31.14. Police report NO. DP14080394	
Asset ID Number: 15-IRS-001221	Description of Asset: TAURUS, MODEL: The Judge SN:GW830779				
Interest in Property: Property was stolen from my Home on 7.31.14. Police report NO. DP14080394					
2.	<table border="1"> <tr> <td>Asset ID Number:</td> <td>Description of Asset:</td> </tr> <tr> <td colspan="2">Interest in Property:</td> </tr> </table>	Asset ID Number:	Description of Asset:	Interest in Property:	
Asset ID Number:	Description of Asset:				
Interest in Property:					
3.	<table border="1"> <tr> <td>Asset ID Number:</td> <td>Description of Asset:</td> </tr> <tr> <td colspan="2">Interest in Property:</td> </tr> </table>	Asset ID Number:	Description of Asset:	Interest in Property:	
Asset ID Number:	Description of Asset:				
Interest in Property:					

PART III: Declaration

I attest and declare under penalty of perjury that my claim is not frivolous and the information provided in support of my claim is true and correct to the best of my knowledge and belief.

Jacob W. Sumner
Name Printed


Signature

4.4.17
Date

If a court finds that a claimant's assertion of an interest in property was frivolous, the court may impose a civil fine. 18 U.S.C. § 983(h). A false statement or claim may subject a person to prosecution under 18 U.S.C. § 1001.

Jacob Summer
7160 W Glendale LN
Greenfield IN 46140

INDIANAPOLIS IN 460

05 APR 2017 PM 4:1



Assistant United States Attorney
Michele Brady
10 W. MARKET ST, Suite 2100
INDPLS, IN 46204

46204-198599

